REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. PITTENGER: Committee on Claims. H. R. 5496. A bill for the relief of Cecile McLaughlin; with amendment (Rept. No. 1946). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 5658. A bill for the relief of James Warren; with amendment (Rept. No. 1947). Referred to the Committee of the Whole House.

Mr. KLEIN: Committee on Claims. H. R. 5854. A bill for the relief of Madeleine Hammett, Olive Hammett, Walter Young, the estate of Laura O'Malley Young, deceased, and the legal guardian of Laura Elizabeth Young; with amendment (Rept. No. 1948). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 5910. A bill for the relief of Randolph and Emma Treiber; with amendment (Rept. No. 1949). Referred to the Committee of the Whole House

Mr. JENNINGS: Committee on Claims. H R. 5966. A bill for the relief of Louis H. Deaver; without amendment (Rept. No. 1950). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 6365. A bill for the relief of Commander Cato D. Glover; with amendment (Rept. No. 1951). Referred to the Committee of the Whole House.

Mr. WEISS: Committee on Claims. H. R. 1540. A bill for the relief of Harry Tousey; with amendment (Rept. No. 1952). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DICKSTEIN:

H. R. 6858. A bill relating to the statues of certain natives and inhabitants of the Virgin Islands; to the Committee on Immigration and Naturalization.

By Mr. HENDRICKS:

H. R. 6859. A bill for the relief of dealers in certain articles or commodities rationed under authority of the United States; to the Committee on Banking and Currency.

H. R. 6860. A bill for the relief of dealers in certain articles or commodities rationed under authority of the United States; to the Committee on the Judiciary.

By Mr. BENDER:

H. R. 6861. A bill relating to the voting rights of persons in the land and naval forces of the United States; to the Committee on Military Affairs.

By Mr. SWEENEY:

H. R. 6867 (by request). A bill to amend title 39, United States Code; to the Committee on the Post Office and Post Roads.

By Mr. HOBBS:

H. J. Res. 298. Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 6862. A bill authorizing the naturalization of Thomas P. Prendergast; to the Committee on Immigration and Naturalization.

By Mr. LANE:

H. R. 6863. A bill for the relief of Thomas W. Dowd; to the Committee on Claims.

By Mr. MANSFIELD:

H. R. 6864. A bill for the relief of Mrs. Vola Stroud Pokluda; to the Committee on Claims.

By Mr. PITTENGER:

H. R. 6865. A bill for the relief of Andrew Stenman; to the Committee on Claims.

By Mr. SWEENEY:

H. R. 6866. A bill to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of the United States Parcel Post Building Co., of Cleveland, Ohio; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2612. By Mr. KRAMER: Petition of Walter C. Peterson, city clerk of Los Angeles, Calif., urging the United States Senators from California and the Members of the House of Representatives from California to exert every effort to resist or modify the crippling effect of House bills 6617 and 6750; to the Committee on Ways and Means.

2613. By Mr. GILLETTE: A letter from the Chamber of Commerce of Dushore, Pa., favoring the elimination of certain nondefense governmental agencies; to the Committee on Expenditures in the Executive Departments.

2614. By Mr. LYNCH: Resolution of the Legislature of the State of New York, requesting the Congress of the United States to effect any necessary changes in our laws and regulations between United States and Canada so that unnecessary restrictions may be removed and movement of persons and products facilitated for the purpose of promoting harmonious, efficient, and victorious prosecution of the war; to the Committee on Ways and Means.

2615. By Mr. ROLPH: Resolution of the Builders Exchange of San Francisco, Calif., adopted March 16, 1942, for the stepping up of war production; to the Committee on Military Affairs.

SENATE

FRIDAY, MARCH 27, 1942

(Legislative day of Thursday, March 5, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, the Very Reverend ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou whose Providence doth always make provision for us, if not according to our fancied wants, yet according to our inmost needs: Quicken and quiet the spirit in us for worship and for praise, and, from the sanctuary of Thy holiness, do Thou compose our thoughts and renew our strength. Unclose our inward ear for hearing, and do Thou give to us the earnestness of soul that has no time to waste on anything that furthers not a sense of duty to God and Country, for the establishment of righteous dealing among men and the nations of the world.

We bless Thee for the lives of self-denial all about us, for the experiences which bring to us their lessons, leaving us chastened and tempered to a wiser spirit, and if there be in our heart today a song of thankfulness, and mingled with the song a prayer of upward aspiration, do Thou in Thy mercy receive the song and answer Thou the prayer according to the Divine pleasure of Thy will; through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, March 26, 1942, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting several nominations in the Army was communicated to the Senate by Mr. Miller, one of his secretaries.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	O'Mahoney
Andrews	Glass	Overton
Austin	Green	Pepper
Bailey	Guffey	Radcliffe
Ball	Gurney	Reed
Bankhead	Hayden	Reynolds
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bone	Holman	Schwartz
Brewster	Hughes	Shipstead
Brooks	Johnson, Calif.	Smith
Brown	Johnson, Colo.	Spencer
Bulow	Kilgore	Stewart
Burton	La Follette	Taft
Butler	Langer	Thomas, Idaho
Byrd	Lee	Thomas, Okla.
Capper	Lucas	Thomas, Utah
Caraway	McCarran	Tobey
Chandler	McFarland	Truman
Chavez	McKellar	Tunnell
Clark, Idaho	McNary	Tydings
Clark, Mo.	Maloney	Vandenberg
Connally	Maybank	Van Nuys
Danaher	Mead	Wagner
Davis	Millikin	Walsh
Doxey	Murdock	Wheeler
Ellender	Murray	White
George	Nye	Wiley
Gerry	O'Daniel	Willis

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY] and the Senator from Washington [Mr. WALLGREN] are holding hearings in Western States on matters pertaining to national defense.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. BUNKER], and the Senator from New Jersey [Mr. SMATHERS] are necessarily absent.

Mr. McNARY. I announce that the Senator from Nebraska [Mr. NORRIS] is absent because of illness.

Mr. AUSTIN. The Senator from New Hampshire [Mr. BRIDGES] is absent as a result of an injury and illness.

The Senator from Massachusetts [Mr. LODGE] is necessarily absent.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

EXECUTIVE COMMUNICATIONS

The VICE PRESIDENT laid before the Senate the following communications, which were referred as indicated:

SUPPLEMENTAL ESTIMATE OF APPROPRIATION FOR THE NAVY DEPARTMENT (S. DOC. NO. 189)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department and naval service for the fiscal year ending June 30, 1942, to remain available until June 30, 1943, amounting to $50,000 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS, NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS (S. DOC. NO. 190)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1942, amounting to $3,500,000, and a supplemental estimate of appropriation for the fiscal year ending June 30, 1943, amounting to $4,071,000 in the form of an amendment to the Budget for that fiscal year, for the National Advisory Committee for Aeronautics, for continuing the construction and equipment of the Aircraft Engine Research Laboratory, Cleveland, Ohio (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

The petition of the Presbyterian Ministerial Association of Philadelphia and vicinity, Pennsylvania, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors and to provide for the use of employees of the liquor business in the war industries, also to prohibit the sale of rubber tires or accessories to the liquor industry for liquor deliveries when such tires, etc., may be denied for the use of grocery deliveries; to the Committee on the Judiciary.

By Mr. TYDINGS:

The petition of members of the North Avenue United Presbyterian Church of Baltimore, Md., praying for the prompt enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. CAPPER:

A letter in the nature of a petition from the Kansas State Federation of Labor, Coffeyville, Kans., signed by George A. Maiden, secretary, praying for the enactment of Senate bill 2329, for the relief of civilian employees previously engaged in construction work at Wake and Guam Islands in the Pacific Ocean; to the Committee on Naval Affairs.

A petition of members of the congregation of the Methodist Church of Vernon, Kans., praying for the prompt enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—PETITION

Mr. AUSTIN. Mr. President, I ask consent at this time to present for the RECORD a petition from sundry citizens of Vergennes, Vt., headed by Katherine M. Waterman, with respect to Senate bill 860, generally known as the Sheppard bill, and praying for the enactment of that proposed legislation. I request that the petition may be appropriately disposed of.

The VICE PRESIDENT. Without objection, the petition presented by the Senator from Vermont will be received and lie on the table.

STATEMENT RELATIVE TO RESOLUTIONS OF LOYALTY BY AMERICANS OF ITALIAN ORIGIN

Mr. MEAD. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point in my remarks a statement containing references to certain resolutions pledging loyalty on the part of Italian-American people.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RESOLUTIONS OF LOYALTY

Immediately after the dastardly attack upon Pearl Harbor numerous resolutions were adopted by fraternal and labor organizations whose membership is composed of Americans of Italian origin. These resolutions are splendid manifestations of the patriotism, loyalty, and wholehearted support of such organizations, as well as its members, to the President and the Government of the United States.

I wish to take this opportunity of summarizing a few of the very many resolutions which have been brought to my attention in these last few weeks, which I believe are of note to the members of this body;

Among the first, the order, Sons of Italy, through its supreme council meeting in extraordinary session in the city of Philadelphia, cradle of American liberty, recommended that each of its member lodges subscribe and pledge its available funds for the ultimate purchase of $10,000,000 worth of Defense bonds.

In a letter to President Roosevelt all of the executives, editors, administrative staff, and employees of the newspapers Il Progresso Italo-Americano, and Corriere D'America, edited by Generoso Pope, reaffirmed their loyalty and pledged their fortunes and lives to preserve and secure the United States. By the voluntary pay-roll allotment plan Mr. Pope's industrial and journalistic enterprises have already purchased $50,000 worth of Defense bonds.

In addition, all the other Italian-American newspapers are conducting an extensive campaign for the purchase of millions of dollars worth of additional bonds by the various Italian-American organizations throughout the United States.

On February 8 of this year the newspaper Il Progresso Italo-Americano already published the names of those social groups and clubs and industrial organizations, whose membership is composed of Americans of Italian origin, which had purchased a total of approximately one-half million dollars' worth of Defense bonds. This drive is still being conducted, and everywhere Americans of Italian extraction are unselfishly responding.

The spirit of loyalty of these people to the President and Government of the United States is proven beyond doubt in the following excerpts from some of the many resolutions adopted by their clubs and organizations:

The Alliance Clubs of North America at a regular meeting of the executive committee resolved that its 30,000 members "strongly stand ever ready for duty and call." Figli D'Italia, Santa Barbara, Calif., resolved, "We swear to offer ourselves, our organization, and our resources to the national defense." Italian Pharmaceutical Association of the State of New York resolved, "We have decided also to individually and collectively give our entire resources and our entire energies to bring about a quick and glorious victory to our Nation." Italian Union, Inc., resolved, "We place everything that we have at your disposal." Local 48, Italian Cloak, Suit, Reefer, and Shirt Makers Union, with a membership of 10,000, resolved, "We Americans of Italian origin are ready to fight against anyone to safeguard the integrity and the democracy of the United States of America." Italian Barbers Association resolved to "serve America" and "consecrate their sons" to the Nation. The Excavators and Building Laborers Union, Local 731, resolved to "cooperate with all their energies toward the national defense" and to buy the "greatest possible number" of Defense stamps and bonds. Logge Italo-Americane Dell'Ordine Operaio Internazionale resolved, "In this solemn hour" to "assume every duty and meet every sacrifice for the defense" of this country. "Death to nazi-ism and fascism. Long live the cause of democracy and independence."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

H. R. 4869. A bill to provide for longevity credit for enlisted men of the Naval and Marine Corps Reserve, and for other purposes; with amendments (Rept. No. 1228).

By Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs:

S. J. Res 68. Joint resolution for the relief of the heirs of Fannie Ellis White; with amendments (Rept. No. 1229).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr McKELLAR:

S. 2413. A bill for the relief of Vodie Jackson (with accompanying papers); to the Committee on Claims.

By Mr. MURRAY:

S. 2414. A bill providing for the suspension of annual assessment work on mining claims held by location in the United States; to the Committee on Mines and Mining.

WOMEN'S ARMY AUXILIARY CORPS—AMENDMENT

Mr. BARBOUR submitted an amendment intended to be proposed by him to the bill (H. R. 6293) to establish a Women's Army Auxiliary Corps for service with the Army of the United States, which was ordered to lie on the table and to be printed.

TERMINATION OF NATIONAL YOUTH ADMINISTRATION AND CIVILIAN CONSERVATION CORPS—AMENDMENT

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 2295) to provide for the termination of the National Youth Administration and the Civilian Conservation Corps, which was referred to the Committee on Education and Labor and ordered to be printed.

REVIEW OF REPORTS ON THE UMPQUA HARBOR AND RIVER, OREG.

Mr. BAILEY presented a letter from the Secretary of War, transmitting a report dated December 19, 1941, from the Chief of Army Engineers, together with papers and an illustration, on a review

of the reports on the Umpqua Harbor and River, Oreg., with a view to the improvement of Winchester Bay, Oreg., which, with the accompanying papers, was referred to the Committee on Commerce and ordered to be printed with an illustration.

LEADERSHIP IN THE WAR EFFORT

Mr. HOLMAN. Mr. President, on March 20, 1942, there appeared in the Astorian-Budget, a newspaper published at Astoria, Oreg., an editorial entitled "Mr. President, Lead Us All," which so well expresses my own thought that I should like to have it incorporated in the body of the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Astorian Budget of March 20, 1942]

MR. PRESIDENT, LEAD US ALL

Mr. President, we are seeking the light, the light of guidance. We want to know what to believe, when to believe, how to believe.

We have been laboring under the deep conviction that our country stands at the crossroads and that the future of our Nation and of the world depends upon the route we choose and the way we travel it.

We believe you have pointed the true path to follow but we think many people are missing the path and many more will miss it through their own blindness or through bewilderment and confusion caused by others.

We believe the great need is a leadership that will dispel alike apathy and doubt, a stout and stern leadership, a clear and consistent leadership, a leadership with a clarion trumpet and a "terrible, swift sword" that will arouse all to a righteous wrath and unify them into a single-purposed army marching to its goal, heedless of all else.

Mr. President, the time has come when pointing the way will no longer suffice. We must be led along it.

We say this because we honestly feel that you have not yet brought yourself to give us that type of leadership in this greatest of all crises. When you hesitate and waver, it is inevitable that there will be many stragglers in the ranks.

Mr. President, we have just read where you are opposing any legislation that will in any way take away any of the gains made by labor during our previous administrations. We have read where your war-production chief, Donald Nelson, and your Secretary of Labor, Madam Perkins, have appeared before the Senate Naval Affairs Committee to oppose the bill which would suspend the 40-hour week for the duration of the war, which would outlaw the closed shop for the period and which would limit profits on war contracts to 6 percent.

We have just read where high Army, Navy, and maritime officials have unanimously agreed with you that restrictive labor laws are not needed now. They are reported as telling the committee that no serious labor situation exists now.

Mr. President, it doesn't make sense to us. It doesn't square with what you and these same men have told us before. There is inconsistency some place and that inconsistency leads to confusion and worse. It leads to a serious interference with the single-minded devotion to the all-out effort to win this war.

Mr. President, you have told us repeatedly that production will win this war, that we must turn our mills and factories from the manufacture of peacetime goods to the making of the implements of war. You have set goals for plane and tank and ship production of such proportions that will tax our manpower and our machines to the maximum limits, and you have urged greater and greater effort, more and more speed.

Mr. President, you have called upon us all to sacrifice, to give up our tires and cars, to forego many of the comforts to which we have been accustomed, to tune our standards of living to the one great purpose of victory. You have asked us to forget politics, to quit thinking in terms of selfish gain or group advantage. You have asked us to pay more and more taxes to provide all that must be provided if we are to win.

Mr. President, these exhortations do not coincide with what you now tell Congress, that there is no need for labor to sacrifice any of the gains it has made, that there is no need to suspend the 40-hour week.

Mr. President, it was only a few short days ago that Mr. Nelson, your chief of war production, made a Nation-wide appeal for vastly increased industrial output on a 24-hour, 7-day, 168-hour-a-week basis, the same Mr. Nelson who appeared for you before the congressional committee to oppose suspension of the 40-hour week.

Mr. President, Mr. Nelson is your appointee and so are the high-ranking Army, Navy, and maritime officials who testified that no serious labor situation exists, and yet from these same sources have come numerous protests against the interruption of production by strikes, of statements of the man-hours lost and their meaning in terms of ships, planes, and tanks.

Mr. President, we say again it doesn't make sense. It is not consistent. What and when are we who want to support your all-out program to believe?

You say and they say that there is no legislative restriction against working more than 40 hours, only that time and a half must be paid for overtime or double time in some instances. Where is the sacrifice in this? It is not imposed upon those who do this work but upon the taxpayers who must pay the excessive costs to which this contributes.

Mr. President, doesn't it disregard the fact that hundreds of thousands of young men, who once had well-paid jobs and who were protected by the Wages and Hours Act, have sacrificed those jobs and that security to go into the armed forces where there is a meager limitation upon pay but no limitation at all upon the hours of training or fighting? And these men must be ready to sacrifice their lives if need be. There is no 40-hour week or overtime pay at Bataan, and there will be none in Australia or on any of our other battle fronts.

Mr. President, the mighty effort to win this war of the world cannot be served by policies of gross inequity and discrimination, and neither can national unity be secured and preserved by such. Sacrifice cannot be for some and spared for others.

Mr. President, turn your eyes to England where long ago the gains of labor and of all other groups were sacrificed to the war of preservation. Turn your eyes to Australia, which has led the world in liberal legislation and where now workers and all others are conscripted for the prosecution of the life-and-death struggle.

Mr. President, you cannot travel two roads any more than you can serve two masters. You cannot pursue two great objectives at the same time and attain both. You cannot have your cake and eat it, too. Your great social program for the underprivileged was your shining target during your previous administrations. It was the product of peacetimes, which are no longer with us and when we have been led to believe and do believe that all else must be subordinated to the one great goal of victory. Mr. President, you are at the crossroads of your career and you must choose your route and lead forward.

Mr. President, we wonder why you hesitate. Is it possible that you still think the people would not be with you? Are you so poorly advised in Washington that you do not know that the great majority are ready and eager to follow you and support you on a course that calls for hardship and sacrifice for everyone? Why else do you think Congress repeatedly brings up these bills? They are but responding to the demands from home.

Mr. President, do you fear that labor will not follow you? Do you think that the working man and woman are less capable of willing sacrifice than others? You do not know them in their average if you doubt them. Their patriotic impulses are as strong as any others. They, too, have sons in uniform. They are Americans first and ready to share in the common effort and the common sacrifice. Make no mistake about that.

Are you not confusing, Mr. President, the average worker with the labor leaders who sit close to your office and who pretend to speak for many millions, those who would take advantage of a national crisis to entrench themselves, seeking selfish gains at the expense of the country? You do not have to fear them; if you rise to a flaming and trenchant leadership, your followers will leave them without following.

Mr. President, we appeal to you for such a leadership in a decision that will dissolve all doubts and misgivings, that will unify all citizens in the spirit of sacrifice for the prosecution of a mighty effort to a victory without which there will be no government, no democracy, no freedom, no civilization such as we have known and cherished.

LABOR AND THE CONDUCT OF THE WAR—ADDRESS BY DANIEL J. TOBIN

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address relative to labor and the conduct of the war delivered by Daniel J. Tobin, president of the International Brotherhood of Teamsters, on March 23, 1942, which appears in the Appendix.]

THE FARMERS AND THE WAR EFFORT—ADDRESS BY M. W. THATCHER

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a radio address delivered during the National Farm and Home Hour by Mr. M. W. Thatcher, chairman of the National Farmers' Union legislative committee, which appears in the Appendix.]

WAR PROFITS AND WAGES—ARTICLE BY FRANK R. KENT

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an article by Frank R. Kent, published in the Washington Evening Star of March 27, 1942, relative to war profits and wages, which appears in the Appendix.]

LABOR AND WAR PRODUCTION

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD two articles from PM for March 22, 1942, entitled "Nail That Lie About Labor," which appear in the Appendix.]

POLITICS AND THE SILVER MONTHS—ARTICLE BY VARDIS FISHER

[Mr. THOMAS of Idaho asked and obtained leave to have printed in the RECORD an article from the Idaho Sunday Statesman for March 22, 1942, by Vardis Fisher, entitled "Politics and the Silver Months," which appears in the Appendix.]

PATRIOTS ALL—EDITORIAL FROM DETROIT FREE PRESS

[Mr. BROWN asked and obtained leave to have printed in the RECORD an editorial from the Detroit Free Press entitled "Patriots All," which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its

clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6005) to authorize cases under the Expediting Act of February 11, 1903, to be heard and determined by courts constituted in the same manner as courts constituted to hear and determine cases involving the constitutionality of acts of Congress.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6483) to amend the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LANHAM, Mr. BELL, and Mr. HOLMES were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 6691) to increase the debt limit of the United States, to further amend the Second Liberty Bond Act, and for other purposes, and it was signed by the Vice President.

SENATOR FROM NORTH DAKOTA

The Senate resumed consideration of the resolution (S. Res. 220) declaring WILLIAM LANGER not entitled to be a United States Senator from the State of North Dakota.

Mr. McNARY. Mr. President, I feel that I may be obtruding upon the time that is supposed to be allotted to the able junior Senator from West Virginia [Mr. ROSIER], who desired to speak first this morning. I only speak at this time because of his absence. But in view of his detention before a committee, I shall speak within the allotted time. Perforce I must, and being somewhat responsible for the limitation on the time, I, of course, shall gracefully yield to the injunction of the order.

Mr. President, for a number of years I have been interested in the rules and precedents of the Senate and the Constitution, which have furnished the modes for its guidance and government. I have very definite views regarding the legal features of the case before us, and shall attempt to address myself only to the legal phases.

Not being a member of the Committee on Privileges and Elections, I do not presume to be as familiar with the factual data as are the members of the committee. However, I have read the discussions in the briefs of the respondent and those filed by the committee, and also listened as attentively, probably, as any other Member of the Senate to the oral arguments which have been made during the last 3 weeks.

I have no personal interest in this case. I feel most impersonal about it, so far as the able Senator from North Dakota is concerned. I would assume this attitude if the same situation arose with respect to a Senator on the Democratic side of the aisle.

I may say at this juncture that some 16 years ago I was a member of a special committee in the Vare and Smith cases, and I was the only Republican on the committee who reported adversely to the position for which those men contended, namely, a seat in the United States Senate. At that time I showed no partisanship, and voted against my Republican colleague on the committee, and today I am found in the attitude of arguing, briefly, in defense of one who seeks to retain his seat in this body.

In this matter I am not influenced at all by personal feeling. In fact, I never knew the Senator whose seat is now challenged until he came to the Senate. My acquaintance is most casual, although he has conferred with me a few times on the matter of procedure, but I have not gone over with him the case as it is involved in the facts brought out before the committee or told to those who investigated the case.

Mr. President, it should seem very certain to all of us, I think, that we have not in this body the machinery, the equipment, or the tools to try a case of this kind. I do not censure the committee; I think, on the other hand, it has done its work as well as it could have been done; but we are handicapped by lack of those requisites which are essential in order fairly, completely, and adequately to try a case in which a criminal charge, or a semicriminal charge, or a quasi criminal charge is involved.

Investigators were sent into North Dakota to investigate the charges which were brought here on a petition. Some of the witnesses appeared before the committee, but no rules of evidence were involved. None has been since the case came before this body. I recall an experience I had a few years ago when we had on trial a district judge for impeachment. It is interesting to note that in matters of impeachment all the machinery necessary to obtain the facts, the real evidential facts, is provided for. The question of the admissibility and the competency of evidence is well regulated by the procedure. I recall that two lawyers appeared here in behalf of the judge, and two on behalf of the managers on the part of the House. If a question asked was considered incompetent, or was not passed upon by the Presiding Officer adequately or with fairness, an appeal could be made to the body of the Senate. In that way an impeachment proceeding was tried very much as a case in court is tried. Something must be done to assure a complete, fair, and total trial in a case similar to the one before us. We have done the best we could, but at the best it is a poor job.

I think I might recall to the Senate the attitude of the Senate of the United States in an early case—I think it was in 1795—when a similar situation arose in the Senate. This body at that time recognized the want of equipment properly to try a case, and rendered a verdict which I think should be the law and practice today. Probably this is the only case in which I shall produce a book to support my position, and I am very much pleased to review that case because of the philosophy involved and enunciated in the case.

Most of the cases which have come before the Senate have involved the legality of elections, and nearly all of them have been decided on that question. Very few of those whose cases have been acted upon by the Senate have been tried for crimes committed prior to the time the Senator has taken his seat. I recall only two exceptions. One is the case against Senator Thomas, of Maryland, in 1867; the other, a case much older, in 1805, brought against Senator Smith, of Ohio. In the latter case the charge was brought because of alleged conspiracy in connection with the Aaron Burr case. In the Thomas case the crime charged was assisting his son to join the military forces of the Confederacy. In both cases the Senate seized jurisdiction and tried the cases here, but the trials took place before the committees, and not before the Senate, and presented very simple questions of fact.

The case I have in mind which has come to us with almost uninterrupted authority is the case of Humphrey Marshall, found in the sixth volume of Compilation of Senate Election Cases by Hinds, page 168. In that case, Mr. Marshall was seated in the Senate and, after he had been seated some 18 months, a petition was presented to the Senate by the Governor of the State of Kentucky and by the legislature of that State, charging that during the time of a proceeding in chancery Marshall had committed a gross fraud and perjury. The matter was referred, as in the present case, to the Senate Committee on Privileges and Elections, and this was the finding, first of the committee, and then confirmed by the Senate, which I think should be the logic and procedure today. I read from page 171 a brief statement:

They think—

Referring to the report of the committee which was acted upon by the Senate—

that in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State and district wherein the crime shall have been committed. If, in the present case, the party has been guilty in the manner suggested, no reason has been alleged by the memorialists why he has not long since been tried in the State and district where he committed the offense. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent. And the committee are compelled, by a sense of justice, to declare that in their opinion the presumption in favor of Mr. Marshall is not diminished by the recriminating publications, which manifest strong resentment against him.

And they are also of opinion that, as the Constitution does not give jurisdiction to the Senate, the consent of the party cannot give it; and that therefore the said memorial ought to be dismissed.

That was the report of the committee, and it was adopted overwhelmingly by the Senate. That rule has an almost unbroken record in the Senate.

Now here is this case today. It appears from the CONGRESSIONAL RECORD that the

second petition filed by the attorneys for 11 citizens of North Dakota says:

> Petitioners further allege that for, to wit, the past 20 years, respondent's public and private life has been of such character that he has been repeatedly suspected and accused of conduct involving moral turpitude.

And then it sets forth the specifications which we have had presented here.

Mr. President, in spite of the rule to which I have referred, there has been no effort made by the good people of North Dakota, acting through their county prosecutors or through the grand juries, to indict or try Senator LANGER for any of these charges whatsoever. I think it is the manifest and plain obligation upon the part of the people of North Dakota, if they knew of these irregularities, and what some may be pleased to call crimes, either misdemeanors or felonies, to have tried Mr. LANGER in the district and the county where the crime was committed, and before a jury of his peers. Failing in that, refusing to assume that responsibility, they are indeed asking too much, after Senator LANGER has been successful at the polls, and, without being tried by a jury, without even an opportunity fairly to try the case, to attempt to impose that obligation upon the Senate.

Mr. President, there is no rule of law more fair, more logical, or that has the sanction of more years, than the one I invoke. It is found in the earliest jurisprudence which we find in the textbooks. It was codified in the early Gregorian and Justinian Codes. It is found in the common law of England and the statutory law of the United States. It is that a man who commits a crime or is accused of the commission of a crime, is entitled to be tried by his peers in the county or the district where the crime was committed. I cannot too strongly emphasize the obligation which rested upon those who do not like Senator LANGER and mistrust his honor to bring the charges they make in the county where the crimes were alleged to have been committed, and have them tried there—the charges which they now have brought here, and ask us to try, 20 years, 15 years, 10 years, 1 year after their commission.

Mr. President, if when this case had come here the philosophy of which I speak had been invoked, the case would not have been here occupying 3 weeks of our time in these stressful and distressing hours of the history of our country. I think it is the duty of the Senate in the future, when a Senator comes here under suspicion, under the charge of the commission of a series of acts which some are pleased to call criminal—some characterize them in milder words, as involving moral turpitude—to say to the people of his State, "Take this case back and try this gentleman as is provided for in the long line of precedents and in the theory of the common law of this country, and of England, and France, and the nations from which this wholesome rule has sprung."

I make one exception in this case in the greatest of fairness. We have seized jurisdiction of this case, and I am not complaining about it. It has been the practice for years, when a petition or a complaint has come to the Senate, to refer it to the committee having jurisdiction, and, perhaps, in this case the committee, without knowing and without considering the real philosophy we had followed for many years in almost unbroken practice, started to try this case as though the matters in question had taken place within our own jurisdiction.

I make some modification also in the spirit of the greatest of frankness. I am assuming that all the matters which are alleged by the petitioners in this instance, which have carried such weight before the committee, were known to the people of North Dakota.

There may be some conflict in the testimony on that point, but I am assuming that the matters were known to them, that the charges which we have been considering had been circulated and scattered through the State of North Dakota. There is some testimony to indicate that a few of them were not known. But the very statement made under oath by the petitioners would indicate that those matters were suspected and known for the past 20 years.

I would say that if a similar case should be brought to the Senate, and this rule should be applied, and later it should develop that the people did not know the facts with respect to the commission of an infamous crime, then it would be our duty, through our committee having jurisdiction, as well as the Senate itself, to try that issue. But how many issues of that kind are involved in this case? Scarcely any, if any.

Mr. President, I wish to say a few more words; time is fleeting, and I must proceed. I think the responsibility with respect to men who are sent to the Senate rests largely upon the people of the States who elect them, and if they are guilty of laches or indifference or negligence, the complainants should not come here, after they are unable to defeat a Senator at the polls, and ask us to right their wrong.

Mr. President—and I say a final word on that matter—Mr. LANGER has been Governor of his State on two occasions. He was elected to the Senate. He has been prosecutor of his State. In looking over the record a few days ago in the Library, I found that there is a very broad definition of crime, or any disobedience on the part of the Governor; and if these things were alleged against Mr. LANGER when he was Governor, a statute existed in North Dakota, the application of which would have resulted in bringing upon him dishonor and conviction if he had been guilty. There is no evidence here that any of the good people of North Dakota in any way complained to a district attorney or to a grand jury, or made any effort whatsoever to bring Senator LANGER within the toils of the law. Nothing was done until he was successfully elected to the Senate, and then 8 or 10 petitioners rushed here with a petition asking us to do something which they had failed to do. In view of the experience we have had, it is my opinion that in the future the Senate should not be again imposed upon in any such fashion.

I have given some thought to the question of what the Constitution prescribes in the matter of qualifications. I may say that it is a recent discovery on my part. Sixteen years ago, when the Smith case was before the Senate, I was one of the members of the special committee. I was one of two Republicans. My very good friend, the exceedingly able Senator from Wisconsin [Mr. LA FOLLETTE] represented the Progressives, and there were two Democrats.

At that time I came to the conclusion that the Constitution prescribed fully, completely, and finally the qualifications which entitle one to a seat in this body. The question was discussed over and over again, and the committee brought in a verdict against seating Frank Smith, after he had been successful in the primary, because he had vitiated the election by reason of gross fraud when he was commissioner of utilities in the State of Illinois in accepting $125,000 from Mr. Insull, who had properties in that State worth in excess of half a billion dollars. He had also expended the sum of $450,000 in the campaign.

Bear in mind, Mr. President, that a short time before that, in the Newberry case, with which most Senators are conversant, the Senate established a rule that the expenditure of $198,000 in a primary campaign was excessive and contrary to sound public policy. More than twice that amount was spent in Mr. Smith's campaign. Therefore, Frank Smith was not permitted to occupy a seat in this body because he did not qualify in the manner prescribed by the Constitution of the United States. Nearly all the cases which have been decided have turned on that point.

Mr. President, there are three constitutional provisions relating to this matter. They are all more or less interrelated and must be construed together. The first one is contained in article I, section 2 of the Constitution, which provides that—

> No person shall be a Senator who has not attained the age of 30 years and been 9 years a citizen of the United States, and who shall not when elected be an inhabitant of that State for which he shall be chosen.

That is section 2. Article I, section 3, provides:

> Each House may determine the rules of its proceedings, punish its Members for disorderly behaviors, and, with the concurrence of two-thirds, expel a Member.

Article I, section 5, provides:

> Each House shall be the judge of the election, returns, and qualifications of its own Members.

As I understand, those who seek to remove Senator LANGER from the Senate claim that the qualifications of a Senator are not wholly specified by the Constitution, and that therefore he may be removed by a majority vote. I contend that in all parliamentary bodies a majority vote is sufficient for the body to function and express its authority unless there is some law to the contrary.

When a Senator-elect comes here under age, with not sufficient inhabitancy, or lacking the citizenship qualification, or if he has committed a fraud in the election, or has committed acts of treason to his country, by majority vote we can deny him a seat in the Senate by reason of that fact if it appears, as it

did appear in the Smith case. If he has all the constitutional qualifications and takes his seat he can be removed only by a two-thirds vote of the Senate. Upon that question I have no doubt. To that theory I find little opposition from the text writers, in the precedents of the Senate, or in the adjudicated cases.

The only exception I recall, when a Senator's seat was taken away from him by exclusion, was the Thomas case in 1866, when Thomas was excluded. That is the only exception of which I know. In that case Thomas was convicted of aiding, encouraging, and abetting his son in joining the military forces of the Confederacy.

At that time Mr. Edmunds, the great lawyer from Vermont, took the position that additional qualifications could be added to those prescribed by the Constitution. An additional qualification—namely, the test oath—had been on the statute books for 4 years. I referred to it briefly yesterday. The test oath went to the loyalty of the Senator who was taking the oath. As a result of that discussion, after argument by the great Reverdy Johnson, one of the greatest lawyers who ever sat in this body, Mr. Fessenden, of Maine, and Mr. Sumner, of Massachusetts, the test oath was abandoned as a qualification, and Thomas was thrown out on the general principle that he was a sympathizer with the South. That is the only case I find in which a Senator was excluded for a crime committed before he became a Member of the Senate.

There was another case. I refer to the case of Senator John Smith, from Ohio, who was accused of conspiracy with Aaron Burr. He was not expelled, though an effort was made to expel him. That case was an exception to the rule which I stated a few moments ago.

Mr. President, the reasons why a two-thirds majority is necessary to expel a Senator are very evident to me. If we read the great debates on the Constitution, we find that when the States joined the Confederacy they were jealous of their rights. They did not want to permit a Senator to be expelled by a mere majority. So it was plainly written in the Constitution that a two-thirds vote is necessary to expel.

The word "qualifications" is used twice in the Constitution. That is what those who are trying to exclude Senator LANGER rely upon. However, the word "qualifications," as used in connection with elections, is related to the definition which is given in the statute. As a rule of statutory construction, when a general word such as "qualifications" is used, and in some other place it is defined, the definition is exclusive, and no other can be added.

It is also said that if the crime had been committed before Senator LANGER'S election, only a majority would be required to exclude him, whereas if it were committed after his election, while he was a Member, a two-thirds vote would be required. How ridiculous that is. Time is the only element in that theory. Those who advance the theory forget that the question is the commission of the crime. A criminal act is just as much a crime if it is committed before a man is a Senator as it is if committed after he becomes a Senator. I challenge anyone to produce any authority to support the theory which is advanced. Mr. Tayler, who was the attorney opposing Mr. Smoot, made that declaration but was denounced by the great lawyers of the Senate. It is like saying that if a man commits arson before he is married, a jury of 9 can convict him, but if he commits it after he is married a jury of 12 is required to convict him. There is no difference in the act itself. It is a crime in either event. The only difference is that of time; and time does not in any way define an act.

Mr. President, there is much that might be said, but I am the victim of my own proposal of yesterday. Perhaps I have had sufficient time to make clear my own views, though I had some other questions which I should like to have discussed more at length.

Senator LANGER comes here with all the presumptions of innocence in his favor. He is accused of a series of acts which are said to involve moral turpitude. If moral turpitude is a crime, and if he is guilty of moral turpitude, it was not committed before he became a Member. It is a continuing crime, as was said in the Smoot case. If moral turpitude is a crime, and he is guilty, he is a criminal today; he is in bad odor today. Turpitude means baseness of character. One guilty of moral turpitude is bereft of honor. The theory is that moral turpitude is a moral contagion which may be transmissible to those with whom he comes in contact in the Senate. If moral turpitude exists, it continues up to the present time.

Mr. President, I believe that my statement meets every contention of those who are opposing Senator LANGER at this time.

The PRESIDING OFFICER (Mr. MCFARLAND in the chair). The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. OVERTON], as modified, in the nature of a substitute for the amendment of the Senator from Rhode Island [Mr. GREEN] to Senate Resolution No. 220.

Mr. CONNALLY. Mr. President, I had understood that the Senator from West Virginia [Mr. ROSIER] desired to address the Senate.

Mr. O'MAHONEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Chandler	Holman
Andrews	Chavez	Hughes
Austin	Clark, Idaho	Johnson, Calif.
Bailey	Clark, Mo.	Johnson, Colo.
Ball	Connally	Kilgore
Bankhead	Danaher	La Follette
Barbour	Davis	Langer
Barkley	Doxey	Lee
Bone	Ellender	Lucas
Brewster	George	McCarran
Brooks	Gerry	McFarland
Brown	Glass	McKellar
Bulow	Green	McNary
Burton	Guffey	Maloney
Butler	Gurney	Maybank
Byrd	Hayden	Mead
Capper	Herring	Millikin
Caraway	Hill	Murdock
Murray	Russell	Truman
Nye	Schwartz	Tunnell
O'Daniel	Shipstead	Tydings
O'Mahoney	Smith	Vandenberg
Overton	Spencer	Van Nuys
Gillette	Stewart	Wagner
Pepper	Taft	Walsh
Radcliffe	Thomas, Idaho	Wheeler
Reed	Thomas, Okla.	White
Reynolds	Thomas, Utah	Wiley
Rosier	Tobey	Willis

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. VANDENBERG. Mr. President, inasmuch as I have no intention of speaking on the main issue, I should like to use my time briefly to see if we can clarify the pending question. I am frank to say that I am one of those who wish to assert that a two-thirds vote is required to eliminate the Senator from North Dakota; but it seems to me that in the form in which the pending amendment is presented I shall also be required at least by implication to vote that the Senate has no jurisdiction over any qualifications except those named in the resolution. I should like, for my own information, to ask my able friend and colleague, the Senator from Oregon, what he has to say in respect to that interpretation of the Overton amendment.

Mr. MCNARY. Mr. President, I always desire to be courteous and to give my best judgment on a matter of the kind, particularly when the question is propounded by the able Senator from Michigan. I did not like the resolution as proposed by the committee; I did not think that the first clause met the situation at all. It has been changed until I think it just about presents the question whether a two-thirds vote or a majority vote is required. I had in mind the form used in the Smoot case, which after the word "Resolved", inserted the words "two-thirds of the Senate concurring", thus raising the question without specification.

The objection I have to the Overton proposal is about the same as that which the Senator from Michigan has. It attempts to give a blueprint of what are the qualifications which must be possessed by a Senator-elect who comes here, and the possession of which entitles him to a seat. I do not think the Senate should foreclose itself in the event there should be future action by the States amending the Constitution or should specify the qualifications as of today I stated very frankly to the able Senator from Louisiana that I thought there should be a modification of his amendment so that the vote would come directly on the question whether it takes a majority vote or a two-thirds vote, without any blueprint or specifications.

Does that answer the Senator's question?

Mr. VANDENBERG. Yes. Now I ask the Senator from Louisiana whether it is not possible to simplify the issue so that those of us who wish to record ourselves on that point can do so without any involvement or implication in any other phase of the question.

Mr. OVERTON. Mr. President, as I have understood the argument made in this case by those who are opposed to the pending resolution, insofar as that argu-

ment dealt with the constitutional authority of the Senate, it is this: That the Senate has the authority by a majority vote to exclude a Senator-elect if he has not been legally elected, or to exclude him by a majority vote if he does not meet the qualifications prescribed by the Constitution. That is the Senate's authority to act by majority vote. The amendment which I presented is all-embracing; it takes in all the qualifications which the Senate can consider and determine by a majority vote.

The other remedy is by an expulsion; and the applicable provision of the Constitution is:

> Each House may * * * with the concurrence of two-thirds, expel a Member.

That is an unlimited authority.

Almost from the inception of the Senate's consideration of such cases, there has time and again arisen the question of what is the authority of the Senate in a case which involves in no way the qualifications or the election. I wanted by the amendment I propose to present a clear picture of my interpretation and, I think, the interpretation of the able Senator from Oregon, the able Senator from Utah, and many others of the question of what the Constitution authorizes us to do by a majority vote and what it authorizes us to do by a two-thirds vote.

If I were to withdraw my amendment, and if we should simply vote, as has been suggested, on the Green amendment to the resolution—which is that the case of WILLIAM LANGER does not fall within the constitutional provisions of expulsion by a two-thirds vote—we should not be deciding anything; we should not be laying down any principle; we should simply be deciding that we are not going to expel WILLIAM LANGER by a two-thirds vote.

What I am interested in is to secure a proper interpretation by the Senate of the Constitution of the United States. I think that is transcendental and all-important, and it is not particularly a question of what we are going to do with respect to Mr. LANGER.

Mr. BARKLEY. Mr. President, will the Senator yield to me for a question?

Mr. OVERTON. The Senator from Michigan has the floor, but I shall be very glad to defer to the Senator from Kentucky.

Mr. BARKLEY. Does the Senator maintain the view that, in passing upon a single case, regardless of whether it be by a majority vote or by a two-thirds vote, the Senate should lay down a rule by which all future Senates will be bound? Is it not better to leave each case to stand on its own bottom and its own merits, and to leave the Senate free to act on each case as it is presented, instead of undertaking, as if we were a supreme court, to interpret the Constitution not only with respect to this case but with respect to all future cases, so that the only consideration the Senate could give to any future case would be with respect to whether a Senator-elect was 30 years of age, whether he had been 9 years a citizen, and whether he had been duly elected?

Mr. OVERTON. By a majority vote?

Mr. BARKLEY. Yes.

Mr. OVERTON. That is exactly my purpose.

Mr. BARKLEY. My question presupposes on my part the belief that I do not think it is wise to undertake to bind future Senates on that issue. "Sufficient unto the day is the evil thereof." If the Senate desires by a majority vote or by a two-thirds vote to retain Senator LANGER, that is all we shall be passing on; that is all we are called upon to pass on, it seems to me. Other cases which may arise in the future will rest on their own merits and, it may be, a different set of circumstances.

I should hate to see the Senate go on record as stating that throughout all time hereafter the Senate cannot consider anything except a Senator-elect's age, the length of his residence, and his certificate of election.

Mr. OVERTON. By a majority vote, does the Senator mean?

Mr. BARKLEY. Well, yes; by a majority vote, of course; because a Senator can be turned out of the Senate by a two-thirds vote without any cause whatever.

Mr. OVERTON. Certainly.

Mr. BARKLEY. It is not necessary to give any reason; if there is a two-thirds vote, out he goes.

Mr. OVERTON. However, let me state—if the Senator from Michigan will pardon me—that my purpose is to set a precedent which will stop defeated minorities and disgruntled politicians from coming before the Senate and asking the Senate of the United States to pull their chestnuts out of the fire and to step beyond the constitutional provisions and exclude a man from the Senate on some ground extraneous to the Constitution.

Mr. BARKLEY. Mr. President, if the Senator from Michigan will permit me in that connection, it seems to me that the infrequency of cases of this sort in over 150 years proves that the right to investigate these matters has not been abused by the Senate. I do not think it has been abused. I do not think the Senate is open to the charge that it has permitted disgruntled politicians and disappointed office seekers to clutter up the records with contests involving the right of a man to a seat. In the most recent cases there cannot be any charge made that the matters were brought to the Senate by disgruntled politicians or disappointed office seekers, because the facts which resulted in the denial of a seat in the Senate to two men were brought out of the initiative of the Senate itself which had previously appointed a committee, not to look into their cases particularly, but into all cases. So I doubt very much whether the right of the Senate to review these matters has been abused because of the importunities of unsuccessful candidates or political parties.

Mr. OVERTON. There have been many cases.

Mr. VANDENBERG. Mr. President, may I, just for a moment, reclaim the floor?

Mr. OVERTON. The Senator from Michigan has the floor.

Mr. VANDENBERG. I applaud the objective to which the able Senator from Louisiana has directed what is a very worthy effort, but it seems to me, from my viewpoint, that if we settle the William Langer case today that is about all we need try to settle. I think we will have difficulty enough in settling that. I know I have had difficulty enough in coming to any conclusion in respect to it, without attempting to write a charter for the future. Unfortunately, perhaps, the view which the Senator from Louisiana presents in respect to the fundamental law is disagreed to by other able constitutional lawyers in the Senate. I merely should like to be relieved of the necessity of passing upon a controversy which is not necessary, it seems to me. There is enough controversy when we pass upon the Langer case.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from Texas.

Mr. CONNALLY. Along the line suggested by the Senator from Michigan, the Langer case, in the future, will be judged, of course, in the light of the debate and what has transpired here. Whether we use the language the Senator from Louisiana advances or do not do it, will certainly in effect be a precedent in conformity with what he undertakes to do without making a formal declaration in so many words.

So our action here will be judged by what the debates have shown and by the result. Whether we vote against the resolution and refuse to expel Mr. LANGER on the grounds that have been advanced or vote to the contrary, it seems to me that probably the purpose the Senator has in mind will, in effect, be subserved, and yet Senators such as the Senator from Michigan will be relieved from any embarrassment about choosing as between different amendments.

Mr. VANDENBERG. And choosing with respect to a subject that has not been adequately debated and is not a part of the case at bar.

Mr. OVERTON. Mr. President, will the Senator from Michigan yield to me?

Mr. VANDENBERG. I yield.

Mr. OVERTON. In the event I withdraw my amendment, and if no other amendment to the Green amendment shall be agreed to, the vote will be on the Green amendment, which is that the William Langer case does not fall within the constitutional provision for expulsion by a two-thirds vote. If, on the other hand, the Green amendment should be voted down, then would not the necessary implication be that it would require a two-thirds vote of the Senators?

Mr. VANDENBERG. Yes; or we could strike out the word "not" in the Green amendment and have an affirmative vote produce the same result, but the roll call would be confined to the issue at bar.

Mr. OVERTON. I am not going to take the position that the case of WILLIAM LANGER does fall within the constitutional provision for expulsion, because I am not going to take the position that WILLIAM LANGER is subject to expulsion.

Mr. VANDENBERG. It seems to me that the Senator from Louisiana would reach every purpose he wishes to reach with respect to the Langer case by a vote either "yea" or "nay" on the very simple proposition submitted by the Senator from Rhode Island, and at the same time I would be permitted to vote the way I want to vote by confining the issue as indicated. Why must we complicate it?

Mr. OVERTON. Would there be any objection to my modifying my amendment by striking out a part of it and letting it read in this way:

That said WILLIAM LANGER cannot, except by a two-thirds vote, be deprived of a seat in the United States Senate.

Mr. BARKLEY. Mr. President, if the Senator will permit a suggestion, that is precisely what the first part of the committee amendment does.

Mr. OVERTON. I think not.

Mr. BARKLEY. It passes upon that question.

Mr. OVERTON. No; the committee amendment states that it is not a matter of expulsion at all. I want to take the position that expulsion is the only remedy.

Mr. BARKLEY. Of course, that is where the Senator, it seems to me, is undertaking to bind future Senates.

Mr. OVERTON. My proposal, then, would merely say—

That the said WILLIAM LANGER cannot, except by a two-thirds vote, be deprived of his seat in the United States Senate.

Mr. BARKLEY. Of course, I do not want to take the time of the Senator from Michigan, but, by analogy, it would mean that no other Senator who comes here in the future, provided he is old enough and has lived long enough in the United States and has a certificate, could not only not be expelled but could not even be excluded when he knocks on the doors of the Senate except by a two-thirds vote. I do not think the Senator would harm the Langer case by permitting a vote of the Senate on the committee proposal, because whether a Senator votes "yes" or votes "nay" on the question that it does or does not come within the two-thirds-vote rule, the Senate will pass upon that question as it applies to this case, and will leave the Senate in the future to pass upon the same question in regard to any other case that may arise.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. OVERTON. I have not the floor. The Senator from Michigan has the floor. I desire to speak later.

Mr. VANDENBERG. I yield to the Senator from Utah.

Mr. MURDOCK. I am thoroughly in agreement with the Senator from Louisiana that his amendment is a proper one, and I should like to see a precedent established; but I am inclined to the view today that, inasmuch as the seat of the Senator from North Dakota is questioned, it would be better and fairer to all Senators who may vote on the question to confine the issue, as nearly as we can, to the Langer case.

In talking with the minority leader he advises me that he intended to offer, if he had not been precluded under the Senate rule, an amendment identical with the resolution in the Smoot case as a substitute for the Green resolution. I should like to see the Senate vote on that question just as it did in the Smoot case. If I may have the attention of the Senator from Louisiana, agreeing with him thoroughly on the principle involved in this question, I should like to request him very respectfully to withdraw his amendment and let the minority leader or the Senator from Louisiana, if he so desires, or some other Senator, offer as a substitute a resolution similar to the one offered in the Smoot case, which would permit a vote on the question of whether we can exclude by a majority vote or can expel, if expel at all, by a two-thirds vote.

Mr. BANKHEAD. Mr. President, will the Senator restate the language used in the Smoot resolution?

Mr. MURDOCK. If the language in the Smoot case were used, the resolution of the Senator from Rhode Island [Mr. GREEN] would read as follows:

Resolved (two-thirds of the Senators present concurring therein), That WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota.

The only words substituted for words in the resolution in the Smoot case are the name "WILLIAM LANGER" instead of "Reed Smoot" and "North Dakota" instead of "Utah."

Mr. VANDENBERG. Mr. President, obviously this question cannot be satisfactorily concluded in my brief time on the floor. I have achieved the purpose I wanted to achieve: I have brought this matter to the attention of the Senate, and I am hopeful that there can be some sort of an agreement upon terminology before we finally have to vote, so that those of us who know what we think about the two-thirds problem can vote upon that question without having it involved with anything else.

Mr. OVERTON. Mr. President, will the Senator from Michigan yield to me for a moment?

Mr. VANDENBERG. I yield.

Mr. OVERTON. While the Senator was talking, and since this discussion has arisen, I have conferred with the able Senator from Oregon, the minority leader, and he and I have agreed to ascertain whether it would be satisfactory if I should withdraw the amendment I have offered and either the Senator from Oregon or I offer this amendment in lieu thereof:

Resolved, That the case of WILLIAM LANGER does fall within the constitutional provision for expulsion by a two-thirds vote, if cause therefor exists.

Mr. VANDENBERG. I have no objection to that, so far as I am concerned.

Mr. OVERTON. I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER (Mr. HILL in the chair). The Senator has the right to withdraw his amendment without any consent being given.

Mr. OVERTON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Louisiana modifies his amendment, and the clerk will report the modification.

The legislative clerk read as follows:

Resolved, That the case of WILLIAM LANGER does fall within the constitutional provisions for expulsion by a two-thirds vote, if cause therefor exists.

Mr. GEORGE. Mr. President, will the Senator from Michigan yield to me?

Mr. VANDENBERG. I yield.

Mr. GEORGE. I am not asking anyone to agree with me, but I want to say now that I definitely disagree with the Senator from Oregon when he takes the position that moral turpitude is necessarily a continuing offense. I have too much experience with the grace of God ever to subscribe to that kind of a doctrine, and I would not today vote to expel Senator LANGER from the Senate, because not a single, solitary word has ever been offered in the evidence or brought to the attention of the committee of any misconduct whatever upon his part since he became a Member of the Senate.

I interrupted the Senator from Michigan to say merely that the first branch of the resolution, upon which the chairman of the committee has already asked for a separate vote, directly and definitely raises the very issue which he wishes to raise, that is—

Resolved, That the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion by a two-thirds vote.

If that should be approved by the Senate, it would mean that Mr. LANGER would not have to be expelled by a two-thirds vote, or, putting it in the affirmative, it would mean that in his case, if the committee's contention is correct, a majority vote for exclusion only is involved.

This resolution, if adopted by the Senate, would mean, of course, that a majority vote would be sufficient. If it were rejected by the Senate, it would mean definitely that WILLIAM LANGER would be entitled to his seat here unless by a two-thirds vote he were expelled.

I say frankly that would be the end of the case, so far as I am concerned, because if this provision should be rejected, then we would be faced with the simple proposition of expulsion, and there is no evidence here on which a conscientious man could vote for expulsion, unless he is blessed with a very fertile imagination; is one who can think that things which occurred long in the past and a condition which once existed are bound to continue all the way through into the future; and I disclaim that kind of imagination.

This case is made in the record. The record itself shows that nothing is involved which has occurred since Mr. LANGER came to the Senate. The record shows that the only thing raised is the question of qualifications, and the evidence upon that point all relates to transactions and to incidents which occurred before he came to the Senate, some of them long before. So if the first branch of the resolution should be rejected, it would mean exactly what the Senator from Louisiana hopes to accomplish by his amendment, so far as this particular case is concerned.

Mr. MCNARY and Mr. BONE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield; and if so, to whom?

Mr. VANDENBERG. I yield to the Senator from Oregon.

Mr. McNARY. While the able Senator from Georgia will not agree with the Senator from Oregon, I agree with the Senator from Georgia in one particular, except that I think the point could be raised by the Green proposal, as amended.

If I may add a word, I do not believe we are trying Senator LANGER upon some little things which happened, but upon a charge of present baseness of character by reason of the things which have been alleged.

Mr. VANDENBERG. Mr. President, I am content to have clarified the situation a bit by the action which has been taken.

Mr. BONE. Mr. President, I should like to propound a parliamentary inquiry. If the amendment offered by the Senator from Rhode Island [Mr. GREEN] shall be submitted, a vote one way or the other on that amendment would be decisive of a number of important questions in the case. So I propound the parliamentary inquiry, If this amendment should be submitted a bare majority voting against the amendment, would be sufficient to kill the amendment?

The PRESIDING OFFICER. Certainly it would kill the amendment. If a majority did not vote for the amendment, the amendment would be rejected.

Mr. BONE. That would simply leave the question, then, to be determined by a majority vote of the Senate, would it not? I want to get the parliamentary situation clear in my mind.

The PRESIDING OFFICER. Certainly, so far as the amendment is concerned it would be determined by a majority vote.

Mr. BONE. This amendment is so phrased that it really determines the legal questions in the case, as I understand, because the amendment provides that Senator LANGER does not fall within the constitutional provision for expulsion by a two-thirds vote. Therefore, if by a majority the Senate votes down this amendment, the Senate then declares the law of the case and, thereafter, it is obvious, a majority vote would have to decide the main question. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. OVERTON. Mr. President——

Mr. BONE. Let me restate the situation; it appears that the Senator from Louisiana does not understand it as I do.

If the Senate, by a bare majority vote, should vote adversely on the amendment of the Senator from Rhode Island [Mr. GREEN], that would settle the law of the case. Am I correct up to that point?

Mr. OVERTON. It would settle the law of the case, and would require a two-thirds vote.

Mr. BONE. This amendment says that the case of Senator LANGER does not fall within the provisions for a two-thirds expulsion vote. All I am seeking is to get the matter straight. Perhaps I am twisted in my understanding of it, but there has been so much confusing argument on this question that I want to get it straight.

Mr. OVERTON. If the Senate does declare that the case of WILLIAM LANGER does not fall within the expulsion provisions, then a majority vote would decide the question, but if we vote down the Green amendment, or if we vote for my substitute amendment, a two-thirds vote would then be required.

Mr. BONE. I understand. My principal reason for making the inquiry is that that vote would be decisive one way or the other. If we vote the amendment down, then I assume a two-thirds vote would be necessary. If the other way, the opposite would be true.

Mr. OVERTON. That is correct, except that it is much more obvious that if we vote for the amendment I have offered, we meet the issue fairly and squarely; that is, that the case of WILLIAM LANGER does fall within the constitutional provision for expulsion by a two-thirds vote; and I have added "if cause therefor exists." That meets the issue fairly and squarely, and we vote it up or down, and make a precedent.

Mr. BONE. The explanation by the able Senator from Louisiana is probably much clearer than my own cumbersome attempt to determine the law in the case. The point I am getting at is that the vote would be decisive.

Mr. OVERTON. The vote on my amendment would be decisive.

Mr. MURDOCK. Mr. President, will the Senator from Washington yield?

Mr. BONE. I yield.

Mr. MURDOCK. Let me call to the attention of the Senator from Washington and the Senator from Louisiana the fact that if by a majority vote we adopt the first branch of the Green amendment, we merely state that the Langer case does not fall within the expulsion clause of the Constitution, but we do not say under what clause it does fall, if any. So that we would accomplish nothing by the adoption of the first branch of the Green amendment, except to say that the case does not fall within the constitutional provision for expulsion. Whereas if the substitute, or the amendment of the Senator from Louisiana [Mr. OVERTON] were adopted, we would affirmatively say the case does fall within the expulsion clause of the Constitution, and then, when we vote on the second branch of the Green amendment, we know then, affirmatively, and by vote of the Senate, that it takes a two-thirds vote rather than a majority.

Mr. BONE. I know I am not the only one who is confused about the matter, because that is made evident by the questions which have been asked, and by the attempts made to clarify the issue. My only reason for propounding the question arises out of the fact that a majority vote on the amendment, one way or the other, will determine the question whether or not later on a two-thirds vote shall be required. So that a bare majority vote becomes decisive of the necessity or the lack of necessity for a two-thirds vote. We therefore confront the possibility of a majority of the Senate finally deciding a question which must be ultimately decided by two-thirds. The thing presents utterly impossible facets.

I confess I cannot understand a majority of the Senate voting and by a majority vote controlling what two-thirds must later have to do. A bare majority vote would invoke, not one of our own rules, but a constitutional provision requiring a two-thirds vote. Our own rules make no reference to a two-thirds vote. Some confusion arises among Members because of that fact, if it be a fact.

Mr. OVERTON. The Senator is in error, because the procedure of the Senate is always determined by a majority vote, and cannot be determined otherwise.

Mr. BONE. Then the majority vote in one case must, in legal effect, control a two-thirds vote later on because of the constitutional provision and not our own rules.

Mr. OVERTON. Certainly; necessarily must control.

Mr. BONE. Let us have that understood.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon has taken all his time. Does the Senator from Washington yield to the Senator from Oregon?

Mr. BONE. I have yielded the floor.

The PRESIDING OFFICER. The question is——

Mr. BARKLEY. Mr. President, I have been called from the Chamber. What is the latest edition of the proposal?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana [Mr. OVERTON] as further modified.

Mr. BARKLEY. How much further has it been modified?

The PRESIDING OFFICER. The clerk will read the amendment as now proposed.

The legislative clerk read as follows:

Resolved, That the case of WILLIAM LANGER does fall within the constitutional provisions for expulsion by a two-thirds vote, if cause therefor exists.

Mr. BARKLEY. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. BARKLEY. Of course, the Senator's amendment is contradictory to itself and to the Constitution of the United States. The Constitution does not require that any cause be given by the Senate for expulsion, provided it is done by two-thirds vote. The Senate can expel a Member for any reason, or without any reason whatever. We do not have to assign any reason for expelling a Member by a two-thirds vote. A moral duty rests upon the Senate, I assume, to give a reason for its action, but, so far as the Constitution itself is concerned, we do not have to assign any reason. A Senator could move to expel me now, and if on that motion he should obtain a two-thirds vote I would have to go out of the door of the Senate. Such action could be taken without the Senator making the motion assigning any reason. There might be good reason for taking such

action, but it would not be necessary to assign it.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr BARKLEY. I yield.

Mr. OVERTON. The phrase "if cause therefor exists" does not mean that a constitutional cause exists. I thoroughly agree with the Senator that the Senate can expel a Member for cause or without assigning any reason.

Mr. BARKLEY. The Senate can vote to expel a Member because it does not like him, and no one can do anything about it.

Mr. OVERTON. That is correct. But if the Senator has not made up his mind one way or the other as to whether the Langer case falls within the expulsion power of the Senate, there would be no objection to a provision being adopted which states that it falls within that power in the event some ground existed therefor. That is all I have in mind.

Mr. BARKLEY. The Senator from Louisiana, even under his modified amendment, is seeking to establish a policy in this case which will bind future United States Senates.

Mr. President, I wish merely to state briefly my views with respect to this situation. They have nothing to do with the merits of the case. I shall not discuss the merits of the Langer case at all. The Senate will do what it wishes about the case. I do not know how any Senator is going to vote, except those Senators who have spoken. I have not asked any Senator how he is going to vote, I do not intend to ask any Senator how he is going to vote, and I have not in any way attempted to influence any Senator's vote on this matter. It is not a partisan matter. It is not in any sense an administration matter. I have frequently been asked privately if the administration has taken any hand in this matter, and my reply has been universally "No." I have never discussed the case with anyone outside the Senate, and personally I am not concerned about what the Senate does with the Langer case.

Mr. President, I feel very strongly that nothing ought to be done here that undertakes to bind future Senates, and I am more concerned about that question than I am about whether the Senator from North Dakota is seated or unseated. I do not think we ought to do anything here that undertakes to bind, or, in effect, would bind, future Senates in such a way that they would be handicapped in dealing on its own merits with any situation which might arise under different circumstances from those involved in the Langer case.

I happen to be one of those who believe that if the Senate can, by a majority vote, exclude a man when he comes here, because of things that have happened prior to his effort to be admitted, the Senate can deal with the matter ab initio as if he were now knocking at the door of the Senate, instead of having served for more than a year. My judgment in that respect may be somewhat clouded by what happened at the time the Senator from North Dakota came seeking admission to the Senate. Yet I am not in any way prejudiced. I have no prejudice one way or the other with regard to the Senator from North Dakota. Personally, I like him. He has been very agreeable and very courteous to me, and I have not the slightest prejudice whatever against him as a human being. If he is retained in the Senate I shall, I am sure, get along with him as I have up to now as a Member of this body, and I think he will show me the same courtesy and consideration which I think has been shown him during the last year and 2 months.

Mr. President, I lay down the proposition, however, that when the Senator came here with a certificate from the authorities of North Dakota, with a cloud upon his title in the form of charges which were filed with me by reason of the position I happen to hold, and those charges were laid before the Senate he could have been excluded by a majority vote until the committee investigated his right to a seat. In taking the position I did on the first day of the session when the Senator presented his credentials, I did take it as a matter of whim. I took that position after consulting not only the parliamentarian as to precedents in such cases, but after consulting the chairman of the Committee on Privileges and Elections, and after consulting the acting minority leader, the Senator from Vermont [Mr. AUSTIN], in the absence of the Senator from Oregon [Mr. MCNARY], who was ill. Having consulted the chairman of the Committee on Privileges and Elections, and having consulted the acting minority leader, and having consulted the parliamentarian and the Vice President as to the effect of permitting the Senator from North Dakota to take the oath without prejudice, which meant without prejudice to him and to the Senate, I felt that we were observing the right of the Senate ab initio to investigate and pass upon his right to his seat.

Under the statement I made here on that day, the Senator was permitted to take the oath without prejudice, and every Senator was in his seat, except those who were detained by illness or other reasons, for that was the day when the new Congress began. There was a fuller attendance that day, I should say, than there has been any day since, except probably the days when we declared war on Japan and on Germany and Italy. It was made perfectly plain on that day that there were charges filed, involving the right of the Senator to his seat. Every Senator understood that. I made that statement on the floor, and I made the statement that the charges were serious.

Mr. MCNARY. Mr. President, will the Senator yield?

Mr. BARKLEY. I shall yield in a moment. I do not think anyone will dispute the fact that they were serious charges, which if true would affect, in my judgment, and what seemed to be the judgment of the Senate at that time, Senator LANGER'S right to his seat here.

I now yield to the Senator from Oregon.

Mr. MCNARY. Does the able Senator believe that his gracious and kindly admonition to the Senate that the action proposed to be taken would be without prejudice, in any way changed the constitutional rights of the Senator from North Dakota or of the Senate?

Mr. BARKLEY. Mr. President, that would involve a question I cannot indulge in discussing in the time which is at my disposal, but I will say that no Senator protested my statement at the time. No one on behalf of the Senator from North Dakota protested at the time that by admission tentatively to a seat here without prejudice the Senate would be deprived of its right to pass upon his right of admission to the Senate. That was not simply my action; it was the action of the Senate. I asked that the Senator be allowed to take the oath without prejudice. It was agreed to unanimously by the Senate. No one objected. The Senator from North Dakota came in under those circumstances and took the oath under those circumstances.

Any Senator could have raised the point and prevented the unanimous agreement. The only Senator who rose to make inquiry was the Senator from Vermont [Mr. AUSTIN], who did so in his capacity as acting minority leader. I had consulted him previously, as I had consulted other Senators, including the senior Senator from North Dakota [Mr. NYE]. If any Senator had disputed the wisdom of the proposed action he could have arisen and said, "The Senate is not bound, and I will not be bound by such a unanimous-consent agreement. The Senator from North Dakota may be allowed to take his seat provided the Senate reserves its right to pass ab initio on his right to come here in the first instance as a Senator."

Mr. MCNARY and Mr. MURDOCK rose.

Mr. BARKLEY. I shall yield in a moment, Mr. President. The action then taken may not constitute law. I do not mean to say that we can abrogate any well-defined constitutional provision even if the United States Senate by its own unanimous consent permits a Senator to come here under those circumstances. Certainly no one objected on behalf of the Senator from North Dakota to that procedure, which any Senator had the right to do. If any Senator had objected, then the question would have come up on a motion to exclude the Senator, and a majority vote would have excluded him, and he would have been hitched on the outside of the Senate until the Senate Committee on Privileges and Elections had made its investigation and the Senate had passed upon the committee's report and determined whether he was entitled to enter the Senate at all.

My feeling about it is this: The Senate may now repudiate its unanimous-consent action on that day if it wishes to do so. It has the power to do it. It may now say that, although we sat here silently in our seats and agreed that he be admitted without prejudice in spite of the charges, we may now repudiate that action. The agreement was understood to mean that the Senate could investigate the charges and decide, as though it had originally decided the question, whether he was entitled to a seat in the Senate, and that his status quo would be preserved. That agreement

was entered into unanimously. Everyone thought that that was what was done, and no one disputed it. If the Senate now desires to repudiate its own action in that regard it has the power to do so. So far as I am concerned, I do not intend to vote to do it. I say that because I took part in the proceedings. I thought I understood the mood and intention of the Senate at the time. I admit that that does not constitute any constitutional law on the subject.

Mr. McNARY. Does the Senator beleve that we did something that had not been done years and years before? Let me add, representing the minority, that the Senator from Vermont [Mr. AUSTIN] asked particularly if the agreement would have any effect upon the necessary two-thirds vote to expel a Senator. The reply was "No."

Mr. BARKLEY. The reply was that only a majority vote would be necessary.

Mr. McNARY. No; the reply was that a majority vote would test his qualifications only.

Mr. BARKLEY. This fight is over his qualifications.

Mr. McNARY. Not at all.

Mr. BARKLEY. Absolutely. When the Chair announced, in response to the inquiry of the Senator from Vermont as to whether admitting him at that time under the circumstances would later require a two-thirds vote or a majority vote to exclude, the Vice President announced that only a majority vote would be required later. Nobody disputed that statement at the time. If any Senator had disputed it, a motion would have been in order to exclude him, and such a motion could have been carried by a majority vote. It is not contended that the Senate cannot, by a majority vote, decline to allow a Senator-elect who presents himself here to take the oath of office.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AUSTIN. Under the circumstances, I have remained silent. My question, asked under a reservation of the right to object, was this:

> Does this procedure waive any requirement of a two-thirds vote?

I think that was an unfinished question, in fact. It should have been made complete by the addition of a phrase which would show that we were contemplating the preservation of all rights—the rights of the Senate and the rights of the respondent. That was the sole purpose of my question. It was not well conceived. I did not intend to obtain a ruling upon the question of whether one sort of vote or another should obtain. However, what happened, following that, was this:

> The VICE PRESIDENT. The Parliamentarian advises the Chair that it does not.

That answers the question in one way, but is not the full answer. Thereupon followed this:

> If this agreement is entered into, only a majority of the Senate will be required to pass on the qualifications of the Senator-elect.

I must say, in all candor, that notwithstanding my views about this case—and that is the only thing we are called upon to judge—I did not intend to foreclose the issue, but rather intended by my question to keep the issue open for the Senate and for the respondent, so that, notwithstanding our agreement, if he wanted to raise the question of a two-thirds vote, he could still do so. I make that statement so that there may be no misunderstanding.

Mr. McNARY. I think that is a very fair interpretation of the record.

Mr. BARKLEY. I think that is a very fair statement. I think the record, as it is disclosed, in no way committed the Senator from Vermont on the question whether a two-thirds vote or a majority vote would be required later.

I think this question is important so far as the future of the Senate is concerned. It may not be of any importance at all in regard to the Langer case, because, frankly, I think that if there are votes enough to decide that a two-thirds vote is necessary to expel the Senator from North Dakota, there are votes enough to seat him. I do not think the vote would be very much different on the question of seating him than on the question of determining whether a two-thirds vote or a majority vote is required. For that reason I have suggested—although it seemed like putting the cart before the horse—that we vote first on whether the Senator is entitled to a seat; and if a majority should decide that he is entitled to a seat we should not have to pass on the question of a two-thirds or a majority vote.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MURDOCK. I think the Senator implied that every Senator present on the opening day agreed to what took place. I sat here as a Senator-elect and heard the proposal made; but I was not a Senator until I took the oath.

Mr. BARKLEY. I realize that.

Mr. MURDOCK. I do not want the majority leader to imply that there might be any bad faith on my part.

Mr. BARKLEY. I am not implying bad faith on the part of anybody. Only a third of the Senators were new, or had been reelected; and while we were far down the list on that day in swearing in Senators, there were still some who had not yet been sworn in.

Mr. MURDOCK. I had not been reached.

Mr. BARKLEY. Of course, my remarks do not apply to those Senators.

Mr. MURDOCK. That is all I wished to clear up.

Mr. BARKLEY. On that day the question was raised as to whether the Senator from North Dakota should be admitted tentatively. No Senator objected to his being admitted tentatively, with the understanding that we should consider this case ab initio, as we lawyers say, which means from the beginning, without the Senate being bound by a two-thirds rule. It was the understanding that we could consider his title to the seat whenever the committee investigated the case, as though we were passing upon it on the opening day. On that day, if we had had all the facts before us, we might have excluded him by a majority vote.

Mr. MURDOCK. The Senator does not contend, does he, that even by a unanimous-consent agreement the Senate can wipe out or eradicate a constitutional right?

Mr. BARKLEY. No; I do not so contend. However, I think it is passing strange that, with all the constitutional lawyers in the Senate, when the question was raised on the opening day no Senator objected to the fact that Senator LANGER was coming in under those conditions. No Senator objected on his behalf that he was coming in under those conditions.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. In that connection I think it would be well to point out that the petition upon which we acted, and which was referred to the Committee on Privileges and Elections, questioned the validity of the election of WILLIAM LANGER.

Mr. BARKLEY. Yes; it did.

Mr. OVERTON. A majority vote can determine that question.

Mr. BARKLEY. I think that on that day we could have decided by a majority vote whether he should be permitted to take his seat. However, I do not think that the Senate ought to reach the conclusion that when it permits a man on whose title there is a cloud—which question the Senate has the constitutional power to investigate—to take his seat as a matter of courtesy, or otherwise, pending the investigation, the Senate is then bound by a two-thirds rule which did not exist or which did not bind it on the day when the Senator-elect presented himself for admission to the Senate.

Mr. CHANDLER. Mr. President, will my colleague yield?

Mr. BARKLEY. I yield.

Mr. CHANDLER. In defense of my colleague's statement, made on the opening day, when I was present, it was suggested to my colleague that Senator LANGER stand aside and not come into the Senate. On that occasion my colleague stated:

> However, the better practice in such cases seems to have been to allow the Senator-elect to take the oath without prejudice, which means without prejudice to him and without prejudice to the Senate. In the future, after an investigation of these charges—which I do not propose to read or to repeat—the Senate would have a right to determine by a majority vote his fitness and his qualifications to become a Member of the Senate.

That statement was made by my colleague on the opening day, in the presence of Senators who had a right to object, and none objected. Let me say to my colleague that in the future I do not think it will be possible to have the Committee on Privileges and Elections investigate the fitness or qualifications of a Senator-elect under similar circumstances if as little consideration is given to it, after the Senate has directed it to do what this committee has done, as is being given in this case.

Mr. BARKLEY. On the 3d of January 1941 I asked that the Senator from North Dakota be permitted to take the oath without prejudice. If any Senator had objected to that request it would have been in order to move that the Senator-elect be permitted to take the oath without prejudice. Such a motion could have been carried by a majority vote. It would also have been in order to have moved that the Senator-elect be excluded until the Committee on Privileges and Elections had examined his right to a seat; and that motion could have been carried by a majority vote, because it would not have involved expulsion.

We cannot expel a man unless he is a Member of this body. The question which seems to me to be important is this: If, when we have the right by majority vote to exclude him from taking the oath, we permit him to do so tentatively, with the understanding that the Senate shall lose none of its rights, and after he has taken the oath it is contended that we cannot then exclude him except by a two-thirds vote, the result in the future is bound to be that when a Senator-elect presents himself with a cloud on his title the Senate cannot afford to do otherwise than compel him to remain outside the Senate until the Senate has examined his right to a seat. In a case of that sort the State would be deprived of its representation here.

There is one thing which concerns me, and about which I am anxious, but not on account of the Senator from North Dakota, for I have taken no hand in the fight for or against him, as every Senator knows. There is not a Senator who will testify that I have lobbied with him or electioneered with him or asked him how he would vote, or tried to influence his vote; I have not done it. I am interested in the Senate as a body and in its future; and if the Senate is going to vote that, under the circumstances which surrounded the admission of the Senator from North Dakota into this body, thereafter a two-thirds vote will be required to expel him or to exclude him, the result must be that in the future no Senator-elect who knocks at our doors with any cloud upon his title can be admitted; and the Senate has the right at the time to exclude him by a majority vote. I say that, as I said it in the beginning, without the slightest prejudice one way or the other about this case.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Montana.

Mr. WHEELER. I am sure, as the Senator says, that he has no prejudice whatever about this matter. It seems to me that the confusion which exists in the minds of some Senators is due to the fact that on the one hand the question which is involved in some cases is one of fraud in the election itself, and on the other hand the question which is involved in the pending case is one of moral turpitude. If a Senator-elect comes to the Senate of the United States with proper credentials he is entitled to be sworn in; there cannot be any question about that. He could demand that he be sworn in. Mr. LANGER came here with proper credentials. In the petition, as I understand, a question was raised as to whether he secured his election by fraud. If such had been the case, if fraud had occurred, I say that a majority vote could have put him out under the circumstances mentioned by the Senator. However, when the question is one of moral turpitude, I think a different rule prevails, and I think that the Constitution would be so construed by any court in the land.

Mr. BARKLEY. The question whether he secured his election by fraud, if that question were raised in the charges, would be merely an incidental charge. The Committee on Privileges and Elections did not go into that matter at all.

Mr. WHEELER. No evidence was presented on that question.

Mr. BARKLEY. And the report of the committee is not based upon that at all.

Mr. WHEELER. Oh, yes; such a charge was contained in the petition, but it was dismissed by the committee. It is my understanding that the committee considered but dismissed that charge.

Mr. BARKLEY. I am not one of those who believe that the only things which qualify a Senator-elect for membership here are his age, his residence, and his certificate. I think the Senate has the right to go into the question of a man's qualifications. "Qualifications" is an elastic term; but I do not think that the term "qualifications" should be limited to meaning that a man is 30 years of age, has been 9 years a resident of the United States, and has a certificate from a governor or from an election board; because, otherwise, if a Senator-elect came here and had served a term in the penitentiary, and his citizenship had not been restored, we could not pass on the question whether he was entitled to membership.

Mr. WHEELER. Oh, yes; he has to be a citizen of the United States.

Mr. BARKLEY. He may have been a citizen for 9 years before he came here; the Constitution does not say that his citizenship must be continuing.

Mr. WHEELER. Oh, yes; he has to be a citizen of the United States when he applies to the Senate for admission. In the illustration the Senator from Kentucky gives, if the Senator-elect had been convicted and had lost his citizenship, he would not be a citizen.

Mr. BARKLEY. He might have been convicted of a Federal offense, and his citizenship might not have been restored by the President of the United States, or he might have been convicted under a State law and his citizenship might not have been restored by the Governor of the State in which he lived.

Mr. WHEELER. It would not make any difference; he would not be a citizen of the United States if he had been convicted, had lost his citizenship, and his citizenship had not been restored.

Mr. BARKLEY. I do not agree—and I do not suppose the Senator from Montana agrees with me—that we are compelled to limit ourselves to the technical constitutional provision requiring that he must be 30 years of age, must have been 9 years a citizen, and must come here with a certificate.

Mr. WHEELER. I do disagree with the Senator on that point.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. If it should be agreed that, under the Constitution, a two-thirds vote is required in order to seat Senator LANGER, would not such a decision mean that in the future, when an individual is elected to the United States Senate and a protest is made by various citizens of his State—a protest similar to that which was filed in the pending case or similar to those which have been made in many other cases, it would be the duty of the United States Senate under such circumstances to refuse to let the Senator-elect take the oath, in the first instance, and thereafter to investigate the charges?

Mr. BARKLEY. That is what I just stated. If it is to be decided by the Senate in the pending case that, notwithstanding the circumstances under which a Senator-elect came to the Senate and was permitted to take the oath—a privilege which he might have been denied by a majority vote—a two-thirds vote is required to exclude him, then in the future I think the Senate will be required in self-defense to say to any Senator-elect who comes here with a cloud upon his title "You cannot be admitted; you must stand aside until the Committee on Privileges and Elections, or any other appropriate committee, investigates your right to be a Senator."

Mr. LUCAS. And that would mean that each State whose Senator-elect was compelled to stand aside would be devoid of representation in the Senate, insofar as that one Senator was concerned. I undertake to say, Mr. President, that, if we were to insist that under such circumstances a Senator-elect stand aside, such a practice would be provocative of contests, one after another. In other words, the flimsiest kind of a pretext would be found by some political enemy or some other individual in the State.

Mr. BARKLEY. Mr. President, my time has expired. I conclude by saying that under such a rule the Senate would be required to protect itself against a two-thirds-vote requirement by excluding a Senator-elect at the very beginning by a majority vote, which the Senate would have a right to do.

Mr. WILEY. Mr. President, in the present case we find ourselves dealing with a great constitutional question. After listening to the arguments yesterday, I felt I had to say something very briefly today.

When Isaac Newton looked at the falling apple, he looked twice, and he gave to the world his discovery of the law of gravitation. For millions of years befuddled human brains had seen apples and other fruit fall, but it had made no impression on them. Newton looked twice, and he beheld a great law.

For millions of years the lightning had flashed across the skies and electricity

had manifested itself to humanity, but it took an Edison to utilize it to light the world. Edison looked twice.

After the Revolution, our founding fathers saw the demon of disunity threatening the peace and liberties of the Thirteen Colonies, and in order to form a more perfect union than they had under the Confederation and in order to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity, they ordained and established the Constitution of the United States.

Paraphrasing Job, one can say of these fathers that "the spirit of God had made them, the breath of the Almighty had given them life," and they created an indissoluble union, a government by and for the people.

Mr. President, a few years passed and the demon of disunity again raised its head, and a man named John Marshall looked at the Constitution He did not breathe life into it. Life was there, and he interpreted it to a people just coming into their own. He did not question the validity of it or the power of it. He interpreted it, the breath of life that was in it, the spirit of unity—one nation indivisible. And this growing Nation with its new experiment of free government, of a free people, went forward demonstrating the living power of a great, growing and strenuous Nation. But disunity raised its ugly head and a Jackson slapped it down. The years sped on. The Nation grew in power, but disunity would not down, and on to the stage of action came a giant Daniel Webster. How he loved the Constitution How he interpreted it to this people. He knew that with it this Nation would possess "liberty and union, now and forever, one and inseparable."

Mr. President, Webster understood and exemplified the dignity and the power of the Senate. As I have many times quoted, he said the Senate was "a body not yet moved from its propriety, not lost to a just sense of its own dignity and its own high responsibility." Never once did he question the plenary power of the Senate. Yes, he saw the Republic as one Nation—one and inseparable He saw the Senate as a body to which the country could "look with confidence for wise, moderate, patriotic, and healing counsel."

Then came the Civil War—

testing whether this Nation—

As Lincoln said—

or any other nation so conceived * * * could long endure.

Lincoln did not believe in disunity. Listen to what he said in his first inaugural address:

I hold that in the contemplation of universal law and of the Constitution, the union of these States is perpetual. Perpetuity is implied if not expressed in the fundamental law of all national governments. * * * Continue to execute all the express provisions of our National Constitution and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself.

Yes; Lincoln looked twice at the Constitution. He saw the strength and the vitality of the Union, and he said, "No State upon its own motion can lawfully get out of the Union."

Yesterday we heard a great argument by the distinguished senior Senator from Vermont [Mr. AUSTIN]. There was no political heresy in what he said.

Mr. President, when I came to the Senate 3 years ago "Borah of the United States," was here. Every argument we have heard on the floor of the Senate in favor of something that would devitalize the Constitution, this great statesman answered. It has been argued here that this great body under the Constitution, created with plenary power, has no control of its Members except to expel them. It has been argued here that the States alone have the right to fix the qualifications of the men who constitute this great body. One would think we were still operating under the Articles of Confederation. One would think that were still a chain composed of 48 links. No; Mr. President, we are one people, one Nation, indivisible under God.

I said that Senator Borah answered all these unconstitutional arguments advanced by those who would limit the power and the right and the authority of the Senate of the United States. To those who are interested in knowing what Senator Borah and another great statesman, Senator Walsh, of Montana, thought about the legal phases involved in this debate, I recommend that they get volume 68 of the CONGRESSIONAL RECORD and read beginning with page 39 thereof. Senator Borah's remarks appear in volume 69, part I, beginning with page 155.

I say to Senators, if they want to seat Governor LANGER, seat him on the facts. Do not camouflage the issue and deal a dagger's thrust into the Constitution and into the authority and the power of this great body.

Mr President, I listened with a great deal of interest to the argument presented by my distinguished friend the Senator from Connecticut [Mr. DANAHER]. He advanced a new argument. He suggested to the Senate that it did not have jurisdiction. One might just as well advance the argument to the Supreme Court of the United States, after it takes jurisdiction in a case, that it has not jurisdiction. When the Constitution of the United States said that the Senate "shall be the judge of the qualifications of its own Members," there is no body, no individual, or power on earth that can take that power away from the Senate except the Senate of the United States.

My distinguished friend and colleague spent some time on the subject of the proceedings of the Constitutional Convention. Time will not permit me to answer in detail what was said by the distinguished Senator from Connecticut.

At this point I wish to read what I regard as a complete answer to what he said, which appears in a brief by Hon. Price Wickersham, which was presented by Mr. Reed, of Missouri, on December 6, 1927, and was printed as Document No. 4, Seventieth Congress, first session. I read the first five pages of the document:

THE RIGHT OF THE SENATE TO DETERMINE THE QUALIFICATIONS OF ITS MEMBERS

(Price Wickersham, of the Kansas City, Mo., bar)

HAS THE UNITED STATES SENATE PLENARY POWER TO REJECT A SENATOR ELECT?

I. Consideration of the Constitution

1. Pertinent clauses.

2. The language is in the negative; in preliminary drafts of the Constitution the language was in the affirmative.

3. The requirements of age, citizenship, and residence are not qualifications but disqualifications.

Section 2, Article I, of the United States Constitution provides:

"No person shall be a Representative who shall not have attained the age of 25 years, and been 7 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

Section 3, Article I, provides that Senators shall be chosen by the legislature of each State, and that—

"No person shall be a Senator who shall not have attained the age of 30 years and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

Section 5, Article I, provides:

"Each House shall be the judge of the elections, returns, and qualifications of its own Members. * * *"

And further:

"Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member."

The above are all of the pertinent provisions of the Federal Constitution.

It will be noted that section 5, Article I, is a grant of power without limitation in the section itself, and unless section 3 can be construed as a limitation of the grant of power, then it follows that the grant of power contained in section 5 is unlimited in the Constitution.

It will be noted that the language of section 3 is in the negative. This is an important fact. In the original drafts of the Constitution the language of this section was in the affirmative and was purposely changed to the negative. Congressman Taylor, of Ohio, on January 23, 1900 (CONG. REC., p. 1075), in discussing this very issue said:

"It is a notable fact that in the first draft of this constitutional provision which provided for qualification of Representatives in Congress the language was affirmative and positive, and that when it was finally presented for adoption it appeared in the form in which we now find it.

"The slight contemporaneous discussion in the Constitutional Convention was upon the provision in the affirmative form. Why was it changed to the negative? Surely not for the sake of euphony. And certainly not to make it more explicitly exclusive.

"In the report of the committee on detail, submitting the first draft of the Constitution, this section read in the affirmative as follows:

"'Every Member of the House of Representatives shall be of the age of 25 years at least, shall have been a citizen of the United States for at least 3 years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.'

"In the discussion, Mr. Dickinson opposed the section altogether, expressly because it would be held exclusive, saying he was—

"'Against any recitals of qualifications in the Constitution. It was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislature from supplying omissions.'

"Mr. Wilson took the same view, saying:

"'Besides, a partial enumeration of cases will disable the Legislature from disqualifying odious and dangerous characters.'"

The requirements of section 3 as to age, citizenship, and residence are not qualifications; they are disqualifications. This very question was discussed by John Randolph in Congress in 1807, and he said:

"If the Constitution had meant (as was contended) to have settled the qualification of Members, its words would have naturally ran thus: 'Every person who has attained the age of 25 years and been 7 years a citizen of the United States, and who shall, when elected, be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives.'

"But so far from fixing the qualifications of Members of that House, the Constitution merely enumerated a few disqualifications with which the States were left to act."

The same view was taken by Mr. Quincy and Mr. Key in the famous Maryland contested-election case reported in the Annual of Congress, volume 1808, at page 908.

Sections 5 and 3, taken together and properly paraphrased to get the true meaning, would read:

"The Senate shall be the judge of the elections, returns, and qualifications of its own Members, but no person shall be a Senator who shall not have attained the age of 30 years and has not been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

This construction of "negative" clauses is upheld by the courts. The case of *Darrow* v. *The People* (8 Colo. 417) is in point. A statute of Colorado made the payment of taxes a necessary qualification for membership in a board of aldermen. There was a provision of the Colorado constitution that "no person except a qualified elector shall be elected or appointed to any civil or military office in the State." The court said:

"It is argued that this provision by implication inhibits the legislature from adding the property qualifications under consideration. There is nothing in the constitution which expressly designates the qualifications of councilmen in a city or town, and this section contains the only language that can possibly be construed as applicable thereto. But it will be observed that the language used is negative in form—that it simply prohibits the election or appointment to office of one not a qualified elector. There is no conflict between it and the statute."

There is no conflict between section 5 which is a full grant of power to the Senate and section 3 which simply prohibits the seating of a person who has not the three requisites of age, citizenship, and residence.

II. Consideration of proceedings of Constitutional Convention

1. Pertinent features of Randolph, Pinckney, and Hamilton plans.

2. Proceedings in Committee of the Whole August 10, 1787.

It is submitted that the above analysis of the language of the Constitution itself is determinative of the question under discussion. However, a brief survey of the proceedings of the Constitutional Convention may serve to make plain the intent of the framers of the Constitution, and this requires a brief analysis of the three major plans for a Federal Constitution that were under consideration. It is necessary to know these plans, so far as this issue is concerned, in order to understand the proceedings which occurred when the clauses in question were under consideration. It is evident to the student of constitutional government that the Constitutional Convention used the structure of Parliament as a guide, insofar as this particular subject is concerned; it is likewise clear that the practice and proceedings of the House of Commons were, to say the least, a guide. Burdick, in his excellent work The Law of the American Constitution, page 168, says:

"In confining to the Houses of Congress the right to judge the elections and qualifications of their own Members the framers of the Constitution were following the practice of the English House of Commons."

The three plans were submitted by Edmund Randolph, Alexander Hamilton, and Charles Pinckney, which plans will be discussed in their reverse order because Randolph's plan was the one that was in the main followed.

Charles Pinckney's plan:

"ART. 5. Each State shall prescribe the time and manner of holding elections by the people for the House of Delegates, and the House of Delegates shall be the judges of the elections, returns, and qualifications of their Members."

Under Pinckney's plan the Senate was to be elected by the House of Delegates. Pinckney was unqualifiedly in favor of removing the election of the Senators as far as possible from the people.

Hamilton's plan:

The Convention met on May 11, 1787, and concluded its deliberations September 17 following. About 2 weeks prior to the close of the Convention Hamilton prepared his plan and furnished it to Mr. Madison, frankly saying that he did not expect that his plan would be adopted but that he had prepared it in order that it might serve as an ideal toward which the United States might eventually work. His plan provided:

"ART. 2. The Assembly shall consist of persons called Representatives, who shall be chosen, except in the first instance, by the free male citizens and inhabitants of the several States comprehended in the Union, all of whom of the age of 21 years and upward shall be entitled to an equal vote."

The plan also provided that the Senate was to be chosen by electors elected by citizens of the several States, who shall have certain property qualifications, and also:

"The Senate shall choose its President and other officers; shall be judge of the qualifications and elections of its Members, etc."

No qualifications of any kind were prescribed in his plan for Senators and the only qualification for Members of the House of Delegates was that as to age above quoted in article 2.

It will be noted that the Senate, under Hamilton's plan, was given the power to "judge of the qualifications" of its Members without limitation as to any qualifications in the plan itself. Hamilton had sat all through the Convention and heard all of the arguments that were advanced upon this subject, and it is significant that in the plan which he prepared toward the very close of the Convention he in no manner limited the right of the Senate to judge of the qualifications of its Members.

Randolph's plan:

Article 2 provided for a House of Delegates and Senate; article 4 provided that—

"The Senate shall be elected and chosen by the House of Delegates."

Article 7 provided that the Senate shall have the sole and exclusive power to declare war. This article and the one providing for the election of the Senate by the House of Delegates is cited to show that Randolph intended that the Senate should have extraordinary powers and that it should be far removed from the people themselves.

Article 5 provided:

"And the House of Delegates shall be the judges of the election, returns, and qualifications of their Members."

When the question under his plan as to whether the House of Delegates should be chosen by the people direct was first voted on it carried by a vote of 5 to 2, two States being divided. There was much discussion during the Convention as to the "qualification" or "prerequisites" as to age, citizenship, and residence in the several States, but there is very little reported as to the debate concerning the question at issue. It appears that shortly prior to August 10 the Convention had directed the committee on detail to prepare a draft of a provision concerning property qualifications of Members of the legislature, and accordingly, the committee reported the following draft:

"SEC. 2. The Legislature of the United States shall have authority to establish such uniform qualifications of the Members of each House with regard to property as to the said legislature shall seem expedient.

"SEC. 4. Each House shall be the judge of the elections, returns, and qualifications of its own Members."

On Friday, August 10, the following debate took place:

"MR. PINCKNEY. The committee, as he had considered, were instructed to report the proper qualifications of property for the Members of the National Legislature, instead of which they have referred the task to the National Legislature itself."

He thereupon argued for a property qualification.

Mr. Rutledge seconded the motion. Upon a viva voce vote the proposition was overwhelmingly defeated.

Mr. Madison then argued against the section.

Mr. Ellsworth agreed that the power given by the section was exceptional, but contended that it was not dangerous.

Thereupon Mr. Morris moved to strike out the words "with regard to property," in order to leave the legislature entirely at large.

"MR. WILLIAMSON. This would surely never be admitted should a majority of the Legislature be composed of any particular description of men—of lawyers, for example, which is no improbable supposition—the future election might be secured to their own body."

On motion to strike out "with regard to property," the vote was ayes 4, noes 7, Delaware not voting.

Mr. Rutledge opposed leaving the power to the legislature, arguing that the qualifications for the Senate should be similar to qualifications for the State legislatures.

Mr. Wilson thought—

"It would be best, on the whole, to let the section go out. A uniform rule would probably never be fixed by the legislature, and this particular power would constructively exclude every other power of regulating qualifications."

On agreeing to article VI, section 2, the vote was ayes 3, noes 7, Delaware not voting.

The above quotations are taken from Madison's report of the debates and are very illuminating. It will be noted that the convention, according to Mr. Pinckney, had directed that the committee prepare a clause prescribing the property qualifications in the Constitution itself, but that the committee had left such power to the legislature; that Mr. Pinckney's motion for a property qualification in the Constitution was defeated overwhelmingly; that the motion to strike out the words "with regard to property" was defeated 7 to 4; that when Mr Wilson pointed out that if the clause "with regard to property" was left in the Constitution that such clause would "constructively exclude every other power of regulating qualifications."

It was evidently the intention and opinion of the Convention that the power should not be so limited. The Constitution already had a provision in it that "each House shall be the judge of the election, returns, and qualifications of its own Members," and it is evident that the Convention thought that such clause was sufficient to give to each House plenary power to judge qualifications, and consequently when a vote was taken as to

whether section 2 of article 6 should remain in the Constitution it was voted down 7 to 3.

It appears that nothing further was said on this subject during the Convention.

Mr. President, my distinguished colleague also spent some time speaking about the provisions of State constitutions prior to the adoption of the Federal Constitution. I thought at one time he was going to make the point that Connecticut was not in the Union, but he veered off from that angle. I cannot discuss or attempt to answer his arguments in detail, but I desire to read at this time the matter contained under heading three of the brief by Price Wickersham, "Provisions of State constitutions prior to adoption of Federal Constitution," on pages 5, 6, and 7:

III. Provisions of State constitutions prior to adoption of Federal Constitution

1. Origin of "judge * * * qualifications" clause.

2. Case of John Breckenridge, of Virginia.

It will be noted that Randolph, Pinckney, and Hamilton in their plans submitted to the convention all used the phrase "each House shall be the judge of the elections, returns, and qualifications of its own Members," or words of the same import. The coincidence of the use of the phrase by the three is indicative of the fact that it was not original with any one of them. What is the origin of the clause? It, of course, did not originate in England, because they had no written constitutions. We, therefore, must examine the constitutions of the States prior to 1789.

The Virginia constitution of 1776 provided for a house of delegates and a senate. The house of delegates was to be composed of—

"Such men as actually resided in and are freeholders of the same, and are qualified according to law."

And the senate requirements were the same as those of the house, except that members of the senate must be "upward of 25 years of age." The constitution further provided:

"And each house shall choose its own speakers, appoint its own officers, settle its own rules of procedure, and direct writs of election for the supply of intermediate vacancies."

And—

"Officeholders or ministers of the gospel of every denomination being incapable of being elected members of either house."

The above are the only pertinent provisions of the Virginia Constitution. Nothing is said about the right of the house to judge of the elections, returns, and qualifications of its own members.

An interesting case arose in 1780. John Breckenridge, a youth of 19, was elected to the house of delegates, which refused him admission upon the ground that he was too young to be entrusted with a decision of matters which were thought to be of such gravity to the State; thereupon his constituents reelected him to the house; the house again refused him admission upon the same ground; thereupon he was elected the third time and the house permitted him to sit In analyzing this case it is clear that the constitution itself did not prescribe any qualifications except residence and freeholdership. There was no provision in the Virginia Constitution specifically giving the house the right to judge of the elections, returns and qualifications of its members.

A search of the records of the Virginia Historical Society fails to reveal the preservation of any debates upon this subject, but it is evident that the house of delegates assumed that it had the inherent power to judge of the qualifications of its members, regardless of the absence of a constitutional provision giving it such power. There were precedents for its action in the history of the English House of Commons and particularly in the case of Henry Downs which arose in the Virginia House of Burgesses in 1742, which is hereinafter commented upon.

The Constitution of North Carolina of 1776 contains no such provision.

The first draft for a constitution for Massachusetts was defeated on March 4, 1778, and a second draft was submitted and adopted in 1780, which, so far as its senate is concerned, required a residence of 5 years and certain property qualifications—but no religious qualifications—and further provided—

"The senate shall be final judges of the elections, returns, and qualifications of their members, as pointed out in this constitution."

The Constitution of New Hampshire of 1784 provided for a residence, property, and religious qualification, and contained the same words as above quoted from the Massachusetts Constitution.

The Georgia constitutions of 1777 and of 1789 and 1798 contained provisions that—

"Each house shall be the final judges of the elections, returns, and qualifications of their members."

It will be noted that the Georgia constitutions did not incorporate the words "as pointed out in this constitution" contained in the Massachusetts and New Hampshire constitutions.

It will thus be seen that the first written constitution which contained the clause in question was the Georgia Constitution of 1777. It is clear that the members of the Constitutional Convention were familiar with the constitutions of Georgia, Massachusetts, and New Hampshire The Convention, and particularly the committee on detail, had the choice of adopting the language of the Massachusetts Constitution or the language of the Georgia Constitution, and they chose the language of the Georgia Constitution, which contained no limitation of the grant of power. This fact is important in view of the contention made by Mr. Beck in his book The Vanishing Rights of the States, that the John Wilkes case, hereinafter discussed, was "the great constitutional landmark of the eighteenth century and determined for all time the right of Englishmen to be represented in Parliament by members of their own choice." If the Colonies, or later the States, or the Constitutional Convention placed any interpretation upon the Wilkes case, as contended for by Mr. Beck, it is truly remarkable that Georgia should have conferred upon each house of its legislature the right to be "the final judges of elections, returns, and qualifications of their members" without any limitation of the power whatsoever, and it is equally remarkable that the Federal Convention should have done likewise.

Mr. President, on the subject which was referred to by my distinguished colleague relating to the right of the Colonies prior to 1776 to reject or expel. I submit and ask to have printed in the RECORD the matter contained under heading four, "The Colonies prior to 1776 considered the right of rejection and expulsion an inherent power of legislative bodies," as shown on pages 7 and 8 in the brief of Price Wickersham.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

IV. The Colonies, prior to 1776 considered the right of rejection and expulsion an inherent power of legislative bodies

Case of Henry Downs, Virginia House of Burgesses, 1742

Of course, there were no constitutions of the Colonies which contained clauses similar to the one under discussion. Some of the Colonies were proprietary, and some of the charters of the Colonies contained provisions for the functioning of their legislative bodies, and little information is available as to the exercise of the right by such legislative bodies to reject or expel their members. However, an interesting case arose in Virginia in 1742 in the house of burgesses. The journals of the house of burgesses (assembly, 1742–1747) contain the following account of the case of Henry Downs (p. 11):

"Mr. Conway, from the committee of privileges and elections, reported that they had—

"Had under their consideration the information against Mr. Henry Downs, a sitting member, to them referred; and had examined the matter thereof, and heard the said Mr. Downs; whereupon, it appeared to the committee from the transcript of a record of the court of Prince Georges County, in Maryland, produced to the committee, duly attested by the clerk, and certified under the public seal of the said county, that at a county court of the right honorable the lord proprietary of that Province, held at Marlborough Town, in and for the county aforesaid, on the 27th day of June 1721, Henry Downs, together with Edward Brown and James Jones, all of the said county, were indicted of felony, in stealing one sheep, of a white color, of the price of 10 shillings, the property of a certain person unknown, on the 29th day of August then last past, at a place called the Chapel, in that county; and that the said Downs, upon his arraignment, the same 27th day of June aforesaid, did confess himself guilty of the felony and theft, so as aforesaid laid to his charge, and put himself upon the grace and mercy of the court. And thereupon it was considered by that court that the same Henry Downs, by the sheriff of that county, from the bar to the whipping post should be taken, and there being stripped naked from the waist upward, receive on his bare back 15 lashes well laid on by the sheriff aforesaid, so that the blood appear; and that after the whipping aforesaid, the said Henry Downs, by the sheriff aforesaid, be put on the pillory for and during the space of half an hour. And afterwards the said Henry Downs, the same 27th day of June aforesaid, was, with the consent of one Jacob Henderson, clerk (his master), sold by the court aforesaid, for 1 year and 9 months, to one John Middleton, planter, to discharge the fees of the conviction aforesaid. But the said Henry Downs, the sitting member, denied before the committee that he was the same Henry Downs mentioned in the said record But it appeared to the committee from the testimony of several gentlemen, members of this house, that the said Henry Downs, the sitting member, had lately confessed himself to be the same Henry Downs mentioned in the record aforesaid. Thereupon, upon the whole, the committee had come to several resolutions, which he read in his place and afterwards delivered in at the table, where the same were read.

"And the said Mr. Henry Downs was heard in his place and withdrew.

"Then the resolutions of the said committee were again read, and agreed to by the house, nemine contradicente, as follows:

"'*Resolved*, that the said Henry Downs, having been convicted of felony and theft, and punished, as aforesaid, is unworthy to sit as a member in this house;

"'*Resolved*, That the said Henry Downs, for the causes aforesaid, be expelled this house;

"'*Resolved*, That the said Henry Downs be disabled to sit and vote as a member of this house during this present general assembly.'

"Mr. Downs was thereupon expelled the house."

It will be noted that the felony complained of was committed 21 years before Downs was elected, and that there was then no constitution of Virginia giving the right to the house of burgesses to judge of the qualifications of its members. Such right was assumed by the house to be an inherent power of legislative bodies.

Mr. WILEY. Mr. President, I call attention, though I shall not read it, to heading 5 of the brief of Price Wickersham, in which he shows the growth and development of power of judging qualifications in England.

Yesterday, my distinguished colleague, the Senator from Vermont [Mr. AUSTIN], demonstrated clearly that the uniform practice established through the years definitely established the right of the Senate to exercise its discretion as to whether it would seat a Senator before investigation, or investigate before seating.

Mr. President, I now read further from the Wickersham brief, commencing with heading 8 on page 19, to the end of the brief:

VIII. Opinions of authorities on constitutional law

The authorities on constitutional law have not devoted much space in their text to a discussion of this question. It seems to be taken for granted that the House and Senate possess such power as an inherent prerogative of legislative bodies, the courts having no power to pass upon the action of the House or Senate in such matters.

That a legislature has the power to enact statutes increasing the qualifications for office holding prescribed in a constitution is admitted. Throop, on public offices, section 73, says:

"The general rule is that the legislature has full power to prescribe qualifications for holding office in addition to those prescribed in the Constitution; provided, that they are reasonable and not opposed to the constitutional provisions or to the spirit of the Constitution."

Perhaps the best expression by an authority on constitutional law, so far as this question is concerned, is contained in Pomeroy's Constitutional Law, third edition, page 138, to wit:

"The power given to the Senate and to the House of Representatives each to pass upon the validity of the elections of its own Members and upon their personal qualifications seems to be unbounded. But I am very strongly of the opinion that the two Houses together, as one House, cannot pass any statute containing a general rule by which the qualifications of Members as described in the Constitution are either added to or lessened.

"Such a statute would not seem to be a judgment of each House upon the qualifications of its own Members, but a judgment upon the qualifications of the Members of the other branch. The power is sufficiently broad as it stands. Indeed, there is absolutely no restraint upon its exercise except the responsibility of the Representatives to their constituents."

Also see reasoning of Judge Story in point IX following:

IX. The right of the Senate to judge qualifications of its Members is not in derogation of any inherent or retained power of the States

It was contended in the debate upon the motion to reject Roberts in 1900 that a Senator or Congressman was "a representative of the State"—a sort of ambassador to represent the State in the Legislature of the Union—and that the right of the State or district to name and select whomsoever it chose was one of the rights retained by the States when they entered the Union, and articles IX and X of the Constitution were cited, to wit:

"ART. IX. Rights retained by the people. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

"ART. X. The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Article X was construed in the case of *Collector v. Day* (11 Wall. 124), in which the Court said:

"This clause does not contain a new grant of power to the States or people, but is simply declaratory of a preexisting condition."

Judge Story, in his memorable work, On the Constitution, volume 1, section 627, says:

"The truth is that the States can exercise no powers whatsoever, which exclusively spring out of the existence of the National Government, which the Constitution does not delegate to them. They have just as much right, and no more, to prescribe new qualifications for a Representative as they have for a President. Each is an officer of the Union, deriving his powers and qualifications from the Constitution, and neither created by, dependent upon, nor controllable by the States. It is no original prerogative of States' power to appoint a Representative, a Senator, or President for the Union.

"These officers owe their existence and functions to the united voice of the whole, not a portion, of the people. Before a State can assert the right it must show that the Constitution has delegated and recognized it. No State can say that it has reserved what it never possessed."

The title of Mr. Beck's book "The Vanishing Rights of the States," is thus seen to be a misnomer. No right of a State can "vanish" that never existed.

X. Conclusion—The Constitution expressly confers the power without limitation upon the Senate; the intent of the framers of the Constitution is plain; history supports the power, the practice of Colonies, States, and Congress upholds the power, and the best governmental policy demands that the Senate exercise the power

We have seen that the Constitution expressly confers the power to "judge qualifications of its own Members" without limitation; that the debates in the Constitutional Convention show that such was the plain intent of the framers of the Constitution; that the authors of the plans submitted to the Constitutional Convention all agreed that such powers should be conferred without limitation; that Georgia first conferred this unlimited power upon its senate in 1777; that the House of Delegates of the State of Virginia in 1780 exercised this power without any constitutional provision and assumed that it was an inherent legislative power; that the Colony of Virginia in 1742 recognized and exercised this right as an inherent legislative power; that the House of Commons and the House of Lords recognized and exercised this right 25 times in the Wilkes case, and that such power was the growth of hundreds of years; that since the adoption of our Federal Constitution Congress has repeatedly exercised such power; that the profoundest students and authorities upon constitutional law declare that the power is absolute.

If there were no precedents to guide this Government, if there was no constitutional provision upon the subject, if the matter were to arise now for the first time, what would be the best governmental policy? Would the delegation of such a power to the Senate be fraught with danger to the Republic? It must be remembered that Senators are officials of the United States Government and not of the States. They legislate not for the States alone but for all the people of the Union. The vote of a Senator affects every State of the Union as much as it does the one from which he is elected. His vote may mean peace or war for the Union. Should not the Union have the right to protect itself against corruption in one of its parts? Should the whole suffer from the dereliction of a part? If it be said that one political party may corruptly and wrongfully decline to seat a Senator-elect of another party, it must be admitted that such a contingency might arise, but it would not destroy the right of the State to representation; another could be elected in his place. Other possibilities readily suggest themselves. For instance, the President might be a Republican and the Senate Republican and the House Democratic, and the House might refuse to pass any appropriation legislation in order to embarrass the administration. This is a contingency that might arise, but what sensible American believes it probable?

Exaggerated illustrations mean nothing; they are futile. As Senator David Reed, of Pennsylvania, in discussing this question in the Senate last spring, said:

"Illustrations can be drawn that make both sides of this question seem silly. We must be guided by reason and not by fancy."

Under our Constitution momentous questions are submitted to the decision of nine Supreme Court judges appointed by the President and not elected by the people. Generally speaking, these judges come from one class—those identified with large interests—and not from the masses; yet the people recognize that ours is a constitutional government and that such procedure is in accordance with law. There is no real danger in submitting to 95 Senators elected by the people the question whether a particular Senator-elect possesses sufficient moral or intellectual qualifications to sit in the greatest deliberative body in the world. We submit to the decision of the Supreme Court when it decides some vital matter by a vote of 5 to 4. May we not intrust the decision of the qualifications of a Senator-elect to the judgment of a majority of 95 Senators elected by the people and responsible to them for their acts? Never in the past has a Senator or Congressman been denied a seat unjustly. History has proven the wisdom of the Constitution in conferring this power upon the Senate.

I might say, Mr. President, that this brief reaches the conclusion—"The Constitution expressly confers the power without limitation upon the Senate; the intent of the framers of the Constitution is plain; history supports the power, the practice of colonies, States, and Congress upholds the power, and the best governmental policy demands that the Senate exercise the power."

Let us look twice. Well might we bear in mind in this critical period the prayer of one who said, "Open Thou mine eyes to behold wondrous things out of Thy law." The seeker referred to the law of the spirit.

Well might we ask that our eyes be not closed in order that we might behold the wondrous glory of the Constitution. Without it we would be nothing—a group of discordant States, a replica of Europe. With it, we are cemented together in one great bond of unity. Without it we would be weak. With it we are strong—one Nation indivisible under the Stars and Stripes.

Do not let a spirit of disunity again manifest itself. Let us not permit ourselves to take any step that would weaken the authority of this great body; weaken the Constitution in one place, and we open the door to weaken it in other places. I repeat, if you want to seat Governor LANGER, seat him on the facts, but do not be carried away by any arguments that would once more give power to the demon of disunity.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H R. 6736) making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes, and that the House insisted upon its disagreement to the amendment of the Senate No. 2 to the bill.

SENATOR FROM NORTH DAKOTA

The Senate resumed consideration of the resolution (S. Res. 220) declaring WILLIAM LANGER not entitled to be a United States Senator from the State of North Dakota.

The PRESIDING OFFICER (Mr. CLARK of Missouri in the chair). The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. OVERTON], as modified, in the nature of a substitute for the amendment of the Senator from Rhode Island [Mr. GREEN] to Senate Resolution No. 220.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	O'Mahoney
Andrews	Glass	Overton
Austin	Green	Pepper
Bailey	Guffey	Radcliffe
Ball	Gurney	Reed
Bankhead	Hayden	Reynolds
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bone	Holman	Schwartz
Brewster	Hughes	Shipstead
Brooks	Johnson, Calif.	Smith
Brown	Johnson, Colo.	Spencer
Bulow	Kilgore	Stewart
Burton	La Follette	Taft
Butler	Langer	Thomas, Idaho
Byrd	Lee	Thomas, Okla.
Capper	Lucas	Thomas, Utah
Caraway	McCarran	Tobey
Chandler	McFarland	Truman
Chavez	McKellar	Tunnell
Clark, Idaho	McNary	Tydings
Clark, Mo.	Maloney	Vandenberg
Connally	Maybank	Van Nuys
Danaher	Mead	Wagner
Davis	Millikin	Walsh
Doxey	Murdock	Wheeler
Ellender	Murray	White
George	Nye	Wiley
Gerry	O'Daniel	Willis

The PRESIDING OFFICER. Eighty-seven Senators have answered to their names. A quorum is present.

The question is on the amendment offered by the Senator from Louisiana [Mr. OVERTON], as modified, to the amendment of the Senator from Rhode Island [Mr. GREEN] to Senate Resolution 220. [Putting the question.] The noes seem to have it. The noes have it, and the amendment is rejected.

The question now recurs on the amendment of the Senator from Rhode Island. [Putting the question.]

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state his parliamentary inquiry.

Mr. McNARY. On what question was the vote taken?

The PRESIDING OFFICER. On the amendment of the Senator from Louisiana [Mr. OVERTON], as modified, to the so-called Green amendment.

Mr. McNARY. Was the amendment agreed to?

The PRESIDING OFFICER. The amendment was rejected.

Mr. McNARY. I enter a motion to reconsider the vote by which the amendment was rejected.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon to reconsider the vote by which the Senate rejected the amendment of the Senator from Louisiana [Mr. OVERTON], as modified, to the amendment of the Senator from Rhode Island [Mr. GREEN].

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	O'Mahoney
Andrews	Glass	Overton
Austin	Green	Pepper
Bailey	Guffey	Radcliffe
Ball	Gurney	Reed
Bankhead	Hayden	Reynolds
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bone	Holman	Schwartz
Brewster	Hughes	Shipstead
Brooks	Johnson, Calif.	Smith
Brown	Johnson, Colo.	Spencer
Bulow	Kilgore	Stewart
Burton	La Follette	Taft
Butler	Langer	Thomas, Idaho
Byrd	Lee	Thomas, Okla.
Capper	Lucas	Thomas, Utah
Caraway	McCarran	Tobey
Chandler	McFarland	Truman
Chavez	McKellar	Tunnell
Clark, Idaho	McNary	Tydings
Clark, Mo.	Maloney	Vandenberg
Connally	Maybank	Van Nuys
Danaher	Mead	Wagner
Davis	Millikin	Walsh
Doxey	Murdock	Wheeler
Ellender	Murray	White
George	Nye	Wiley
Gerry	O'Daniel	Willis

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. OVERTON. Mr. President, I inquire what is the parliamentary situation?

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon [Mr. McNARY] to reconsider the vote by which the so-called Overton amendment, as modified, was rejected.

Mr. OVERTON. Mr. President, a parliamentary inquiry. I was called out of the Senate for a few minutes. Am I to understand that this question was disposed of on a viva voce vote?

The VICE PRESIDENT. It was.

Mr. OVERTON. I regret that I was absent. I was gone only for several minutes. I thought the Senator from Georgia and one or two other Senators were to speak. So I thought I could absent myself for a period of a few minutes.

Mr. MURDOCK. Mr. President, will the Senator from Louisiana yield to me?

Mr. OVERTON. Yes; I shall be glad to yield, but I was making a parliamentary inquiry, and, at the proper time, I should like to present the amendment.

Mr. MURDOCK. I should like to say to the Senator that I think there was much confusion in the minds of Members of the Senate—certainly there was in my own—at the time the vote was taken. As I understand the Senator's amendment, it places squarely before the Senate the question of whether Senator LANGER can be expelled by a two-thirds vote or by a majority vote.

Mr. GEORGE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Georgia is recognized to state his point of order.

Mr. GEORGE. The Senate is operating under a strict limitation of time, and argument of this character on a point of order or argument on the merits of the motion is out of order. I make that point.

The VICE PRESIDENT. The point of order of the Senator from Georgia is well taken.

Mr. MURDOCK. Mr. President, I am not making any argument. All I am doing is to try to clarify in my own mind—and I am answering the Senator's point of order, I am not making any argument on the merits or demerits—what is before the Senate. What I am trying to ascertain, and to clarify for the Senate, is what is the question now before the Senate; and I am asking the Senator from Louisiana if his amendment does not bring before the Senate the question of whether Mr. LANGER can be expelled by a majority vote, or whether it takes two-thirds vote. Is that argument, or asking a simple parliamentary question?

Mr. OVERTON. Have I the floor? If so, I shall address myself to the amendment.

Mr. President——

The VICE PRESIDENT. The Senator from Louisiana.

Mr. OVERTON. As I understand it——

Mr. LUCAS. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. I merely ask for information. Is a motion to reconsider debatable?

The VICE PRESIDENT. It is the pending question and is debatable.

Mr. LUCAS. I thank the chair.

Mr. OVERTON. Mr. President, for the information of the Senate I shall again read to the Senate the amendment I have proposed as a substitute for the Green amendment. The amendment I propose reads:

Resolved, That the case of WILLIAM LANGER does fall within the constitutional provisions for expulsion by a two-thirds vote, if cause therefor exists.

I should like to modify the amendment by striking out the words "if cause therefor" exists. I modify my amendment by striking out the words "if cause therefor exists."

Mr. BARKLEY. A parliamentary inquiry.

Mr. OVERTON. I have a right to modify my own amendment.

Mr. BARKLEY. Not until the motion to reconsider has been adopted.

The VICE PRESIDENT. The Senator from Kentucky is correct.

Mr. BARKLEY. The Senator cannot modify an amendment on a motion to reconsider the vote by which the amendment has already been passed on.

Mr. OVERTON. I was doing it merely in compliance with the suggestion made by the majority leader, because I always like to follow the majority leader whenever I can. He made the suggestion that the words "if cause therefor exists" should be eliminated.

Mr. BARKLEY. I always appreciate a compliment from the Senator from Louisiana, but I never suggested to him that during the consideration of a motion to reconsider the vote by which an amendment has already been passed on he could modify the amendment.

Mr. OVERTON. It is correct the Senator from Kentucky did not make that suggestion, but a while ago he did suggest that it would be very well to eliminate the words "if cause therefor exists."

Mr. BARKLEY. It would have been proper for the Senator to modify his amendment before it was voted on.

Mr. OVERTON. I intended to do that, but, as I undertook to explain a few minutes ago, during a temporary absence from the Chamber, the amendment was voted upon by a viva voce vote.

The amendment I have offered is in answer to the amendment proposed originally by the Committee on Privileges and Elections, which declared, in effect—I have not the amendment before me—that the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion by a two-thirds vote, and undertook to assign reasons therefor, the reason being, in effect, that since WILLIAM LANGER has been a Member of the Senate, he has not done any act which would be a ground for expulsion.

Then the chairman of the Committee on Privileges and Elections, I assume after consultation with the majority of the members of the committee, offered an amendment to the committee's own amendment, wherein it is proposed that the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion by a two-thirds vote, omitting the reason why it does not so fall.

Let me say to the proponents of the resolution who are objecting to the amendment I offer by way of substitute, that it is the Committee on Privileges and Elections which has raised this constitutional question; and I think it is properly raised. I do not think we can intelligently vote upon this question until we do determine whether the case comes within the constitutional provisions relating to expulsion, or whether we can oust the Senator from North Dakota by a bare majority vote.

When I offer the substitute, I bring before the Senate perhaps more clearly than does the Green amendment the question at issue, because the Green amendment expresses the proposition in the negative, whereas my amendment expresses the proposition in the affirmative.

Mr. President, I do not expect to go through the argument I have already made in support of my view and interpretation of the Constitution. It is perhaps sufficient for me to point out briefly that the framers of the Constitution provided, first, that the legislatures of the various States should select Senators. That is provided in the first paragraph of section 3 of article I of the Constitution. That, standing alone in the Constitution, gave to the legislatures of the different States an uncontrolled and unlimited power to select whom they pleased.

Then the Constitution provides that the legislature can exercise that authority only within certain constitutional limitations, namely, that while they may send anyone here whom they choose as a Senator to represent their State, the Senator must have attained a certain age, been for a certain time a citizen, and be an inhabitant of the State from which he is elected.

When a Senator presents himself here who has been sent by the people of a State under the provisions of the Constitution, he can be ousted by a majority vote only if he fails to meet those qualifications prescribed by the Constitution, or if his election is called into question and it is determined that the election was not valid, or if, under the fourteenth amendment to the Constitution, it is shown that he has been guilty of disloyalty, as phrased in the fourteenth amendment.

Mr. President, the amendment I am offering, if adopted, will place the Senate on record, insofar as the Langer case is concerned, as believing that a two-thirds vote is necessary for his exclusion. There is no question at all about the qualifications of Senator LANGER, there is no question at all about his election; there is no question about his loyalty to the Government, there is no question that he holds any other office. Therefore, the only remedy left to the Senate of the United States to protect themselves in their dignity, in their integrity, in their honor, is to invoke the power of expulsion against Senator LANGER, if there be any cause therefor.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. BARKLEY. The resolution of the committee, as amended, presents two propositions. One of them is that it does not require a two-thirds vote, and the other is that the Senator from North Dakota is not entitled to his seat. Those are separable propositions, and a separate vote can be obtained on each. The vote would come first, of course, as has been asked by the committee, upon the first part of the resolution. Why is it that the Senator from Louisiana is not willing to have the Senate pass upon the first part of the resolution, upon the determination of which we will then know whether it takes two-thirds or a majority in this case, unless he is seeking to bind future Senates in any similar case, or any possible case, outside of the technical qualifications set up in the Constitution?

Mr. OVERTON. Let me ask the Senator from Kentucky a question. Why should he object to a vote upon the affirmative proposition, that the case falls within the expulsion power of the Senate, instead of voting on the negative proposition that it does not so fall?

Mr. BARKLEY. I have no objection to either method, but we can reach the result by striking out the word "not" in the resolution of the committee so that we would vote affirmatively.

Mr. OVERTON. That is an excellent suggestion, and I did strike out the word "not"; that is all.

Mr. BARKLEY. As I read the Senator's modified amendment, it is a substitute for the first part of the committee resolution.

Mr. OVERTON. It reads exactly as the Green amendment reads, with the word "not" omitted.

Mr. BARKLEY. Why vote on a separate amendment when we can vote on the first part of the committee resolution and get the same result? If the Senate votes down the first part of the committee resolution, then it takes two-thirds to oust the Senator from North Dakota.

Mr. OVERTON. It is because I think we should present the proposition affirmatively, and not in a negative way. Why beat about the bush, say it does not do this and does not do that? Why not say it does so and so? I think that is the way to meet the issue, meet it face to face, squarely, and not say it does not do this and does not do that. Let us say it does fall within the power of expulsion, and trust the Senate thereafter to take the proper action.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. MURDOCK. Suppose we should adopt the first branch of the Green resolution. All we would do would be to say that the case does not fall within the constitutional provision for expulsion, but we would not say where it does fall. So that even after voting for the first branch of the Green resolution, it still could be contended, if a majority vote is to unseat Senator LANGER, that he had been unseated, whereas if we vote for the Overton amendment and affirmatively say that this case falls within the constitutional provision for expulsion, then we shall have eliminated any question whatever on that score.

Mr. OVERTON. In other words, we leave it like Mohammed's coffin, suspended in the air.

Mr. MURDOCK. That is true.

Mr. BARKLEY. There are only two baskets in which this head can fall; one of them is the two-thirds vote basket, and the other is the majority vote basket. If we refuse to put the head in the basket that means a two-thirds vote, automatically it comes in that of the majority vote.

Mr. OVERTON. If the Senator from Kentucky can give me one good, valid reason why he does not wish to vote upon this proposition affirmatively, I shall be very glad to consider it.

Mr. BARKLEY. I am sure no reason I can give would satisfy the Senator from Louisiana.

Mr. OVERTON. I can tell the Senator why I do not want to vote on it negatively.

Mr. BARKLEY. I think the simplest and most direct way is to vote on the resolution as it has been presented by the committee, upon which a separate vote

is, of course, possible, and has already been asked. It could not be denied, as I view it. Instead of offering amendments in the nature of substitutes for the committee resolution, I think it is simpler to vote on the resolution brought in by the committee, the result of which will be the same as a vote on the other proposal.

Mr. OVERTON. I regret that in this particular instance I cannot agree with the able Senator from Kentucky.

Mr. BARKLEY. I presume the vote would be the same in either case.

Mr. OVERTON. I assume so.

Mr. BARKLEY. Yes.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. MURDOCK. The Senator from Kentucky gives us the illustration that there are only two baskets into which this matter can fall; but what the Overton amendment does is to avoid having it fall out of both of them.

Mr. BARKLEY. No——

Mr. MURDOCK. The Overton amendment places the matter 'n the expulsion basket. All the Green amendment does is to say that the question does not go into the expulsion basket; it does not put it over into the other basket.

Mr. BARKLEY If it does not go into the expulsion basket, it is bound to go into the exclusion basket, because there cannot be any other basket. A Member cannot be ousted from the Senate except by either a two-thirds vote or a majority vote.

Mr. MURDOCK. We want it to go into the expulsion basket.

Mr. BARKLEY. I have no doubt as to which basket the Senator wants to put it in, and the Senator has the privilege of putting it there if he can do so, but if it does not go into that basket, it goes into the other basket.

Mr. MURDOCK. What I want to be sure of is that it goes into a basket, and is not suspended between the two of them.

Mr. OVERTON. Mr. President, I think from the standpoint of the Senator from Kentucky the decision of the question is between Tweedledee and Tweedledum, but from our standpoint it is decidedly different, because we state positively and unequivocally, to use the illustration given by the Senator from Kentucky, as amplified by the Senator from Utah, that we wish to know exactly where the head does fall, and we want it to tumble within the provision of the Constitution relating to expulsion.

Mr. CLARK of Missouri. Mr. President, will the Senator from Louisiana yield?

Mr. OVERTON. I yield the floor.

Mr. CLARK of Missouri. I desire to address myself very briefly to the motion to reconsider, and I do so only for the purpose of pointing out the parliamentary situation, which seems to have become somewhat confused. I happened to have been temporarily in the chair at the time this situation arose. It was a matter of general opinion or knowledge in the Senate that two or three Senators probably desired to speak upon this matter. When I relieved the Senator from Alabama [Mr. HILL] in the chair, I was advised that the Senator from West Virginia [Mr. ROSIER] desired to be recognized. At the conclusion of the remarks of the Senator from Kentucky [Mr. BARKLEY], no Senator rose to claim recognition. I sent a page to two of the Senators who had been reputed to desire the floor, to ask them if they desired to be recognized, and they said no. In that situation there was nothing for the Chair to do except to put the pending question, which was on the amendment of the Senator from Louisiana [Mr. OVERTON], as modified, which the Chair did. At that point the Senator from Louisiana [Mr. ELLENDER] suggested the absence of a quorum, and a roll call was had, at the conclusion of which, a quorum being developed, the Chair again put the question on the amendment of the Senator from Louisiana [Mr. OVERTON], as modified. On a viva voce vote only one Senator, the Senator from Utah [Mr. MURDOCK], voted in favor of the amendment offered by the Senator from Louisiana. A considerable number of Senators voted in the negative. The Chair said, "The noes seem to have it; the noes have it, and the amendment is lost."

No Senator demanded a division or the yeas and nays.

It is perfectly obvious, from what has transpired since, Mr. President, that the Senate, being in some confusion, did not properly understand the action that was being taken, and on a matter of this importance, involving not only the right of a Senator to his seat, but involving also a very large question of public policy in future senatorial proceedings, it seems to me that the Senate ought to act with a full knowledge of what it is doing, and act on the question, the very important question, which was presented by the Senator from Louisiana Therefore it seems to me, Mr. President, that, whatever may be the difference among Senators in their view as to the Overton amendment, unanimous consent should be given for a reconsideration of the vote with respect to it, upon the theory that the Senate is entitled to act with full knowledge of what it is doing.

Mr. President, if I am in order I ask unanimous consent that the vote by which the amendment of the Senator from Louisiana was defeated be reconsidered, and I say in that connection that, of course, if the vote shall not be reconsidered, the same purpose could be served by the Senator from Louisiana slightly modifying his amendment and offering it in a somewhat different form, but it seems to me that as a matter of fairness such action ought not to be necessary.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. GEORGE. I ask the Senator to yield, because if I interpose an objection I wish to explain why I do so. I have already made such explanation to the Senate, but I do not think the Senator from Missouri was present when I made it. I do not think this is a case for expulsion. This is a case for exclusion or it is nothing at all. That is the position I have taken. I therefore would be compelled to object, if the Senator from Missouri asked for unanimous consent.

Mr. CLARK of Missouri. If the Senator is going to object, it is useless to ask for unanimous consent.

Mr. GEORGE. I wanted to explain my position, because identically the same question arises on the committee's amendment. One question is put in the affirmative and the other is put in the negative, so that no one's rights are lost or jeopardized. The first branch of the committee resolution is—

> *Resolved*, That the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion * * * by two-thirds vote.

That remains to be voted on, and is the next question. A separate vote will be taken on that question. and the same rights of Mr. LANGER are preserved thereby as if the vote came on the other question.

If the Senator from Missouri urges his unanimous-consent request I shall have to object to it.

Mr. CLARK of Missouri. Of course, there is no point in making the unanimous-consent request if the Senate already has notice that the Senator from Georgia intends to object, which he has a perfect right to do. Therefore I withdraw my request.

Mr. OVERTON. I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. McNARY. Mr President, I interposed the motion to reconsider because of the temporary absence of the distinguished Senator from Louisiana [Mr. OVERTON]. Personally I should like to have him withdraw the motion, or permit me to withdraw it, so that we may act or the resolution offered by the committee, for I think it raises the same proposition. One branch of the resolution calls for an affirmative vote and one for a negative. It is just as easy for me to say "No" as it is "Yes," so long as I follow my conscience and my views. Inasmuch as I made the motion, unless I thereby offend the able Senator I shall withdraw it.

The VICE PRESIDENT. The yeas and nays have already been ordered, and the order cannot be rescinded except by unanimous consent.

Mr. McNARY. If the yeas and nays were ordered they were ordered very hastily when I was trying to obtain the floor. I ask unanimous consent that the order based on the motion I made, be vacated. Since I made the motion I think I am entitled to that courtesy.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. OVERTON. Reserving the right to object, I wish to make a statement. I am a good soldier, and when both the majority and minority leaders combine and want me to withdraw my amendment, when both the proponents and the opponents of the resolution desire me to withdraw my amendment, I am going to do so. Therefore I hope unanimous consent will be granted to permit me to withdraw the amendment.

Mr. LUCAS. Mr. President, will the Senator yield to me for an observation?

Mr. OVERTON. I yield.

Mr. LUCAS. I make the observation for the benefit of the Senate. It was absolutely necessary for the committee, in view of the position it took, to bring in the type of resolution it did, in the negative.

Mr. McNARY. I agree to that.

Mr. President, I now renew my unanimous-consent request that the order for the yeas and nays be vacated.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none.

Mr. McNARY. Now, Mr. President, I withdraw my motion for a reconsideration of the vote by which the Overton amendment was rejected, so that the question may stand upon the two proposals made by the committee.

The VICE PRESIDENT. Without objection, the request of the Senator from Oregon is agreed to.

Mr. OVERTON. If it be in order I ask unanimous consent to withdraw my amendment.

The VICE PRESIDENT. The amendment has already been rejected. The question now is on agreeing to the amendment offered by the Senator from Rhode Island [Mr. GREEN].

Mr. CLARK of Missouri. On that question I ask for the yeas and nays.

Mr. GEORGE. Mr. President, I wish to address myself to this motion. It narrows the issue which I wish to discuss.

The pending question is:

Resolved, That the case of WILLIAM LANGER does not fall within the constitutional provision for expulsion by two-thirds vote.

That is the sole issue now before the Senate.

I have already stated to the Senate, and I repeat, that so far as I have heard as a member of the committee or read in the record, there is nothing in this case relating to any act of misconduct on the part of WILLIAM LANGER which is even alleged to have occurred since his election to the Senate. That seems to me to dispose of this case, because if the first branch of the resolution should be voted down I do not think that the case here presented would be one for expulsion. The case made in the evidence is not one for expulsion, and the case does not proceed upon that theory.

That, of course, raises the larger question involved in this case, whether or not expulsion on the basis of acts which occurred prior to the election can be urged as a reason for the exclusion of the Senator from North Dakota from this body.

I admit that the Senate is not obliged to give any reason for expelling a Member. While we may proceed blindly and frankly on a basis of prejudice, and say that we propose to expel A or B from the Senate, nevertheless, the Senate, as a responsible legislative body, is obliged to give its reason upon such an important issue. When the reason on which the expulsion is based relates entirely to matters which occurred prior to election, in my opinion, it cannot be sustained.

The contrary view is that there can be no exclusion upon the basis of any qualification or disqualification other than the disqualifications which are enumerated in the Constitution. That view has been submitted by the able Senator from Oregon, the minority leader [Mr. MCNARY], today. It has also been submitted by the able Senator from Louisiana [Mr. OVERTON] and other Senators.

Mr. President, I wish to call attention to the language of the Constitution. If we stay by the Constitution there will not be much difficulty. If we did not try to indulge in reasoning of our own there would not be much difficulty.

First, what is the expulsion provision in the Constitution? I read it:

Each House may determine the rules of its procedings, punish its Members—

Not Members-elect; not Members-designate—

for disorderly behavior and, with the concurrence of two-thirds, expel a Member

I am aware of the fact that the able Senator from Ohio [Mr. TAFT] made a very learned argument, but the real effect of his argument is that we may expel a man before he ever becomes a Member of this body. Neither in logic nor under the Constitution can such a position be maintained.

Each House may determine the rules of its proceedings—

Relating absolutely to its internal organization, and not reaching outside of it for a moment for any purpose—

punish its Members for disorderly behavior—

Not a Member-designate or Member-elect, but only a person who has come to this body, taken the oath, and qualified without reservations and without any question of his right to a seat under the qualification clause of the Constitution—

and, with the concurrence of two-thirds, expel a Member.

Only in that instance is a two-thirds vote required. This case does not fall within it, and there is no way to make it fall within it if we wish to face the one big issue which is raised in this case.

Mr. President, I read another provision of the Constitution:

No person shall be a Senator who shall not have attained to the age of 30 years, and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business.

That is a clear declaration that each House shall be the judge of the elections, returns, and qualifications of its Members, followed by the express provision "and a majority of each shall constitute a quorum to do business."

Not even a majority of the Senate is required to exclude one who comes here, because a bare majority is declared to be sufficient to constitute a quorum of the Senate.

Only in one other particular is the two-thirds rule prescribed in the Constitution, and that is when the Senate sits as a court of impeachment. Then the verdict of guilty can be rendered only by a two-thirds vote. I shall not go into all the facts, but I wish to call the attention of the Senate to one particular provision in the Constitution. It is said that nothing but the qualifications prescribed in the Constitution can be looked into by the Senate. Is that the rule? Suppose Al Capone were to be appointed to the Senate. Could not the Senate stop him at the door? Could it not at any time raise the question that he is not entitled to a seat here?

The argument is made that the only qualifications of which the Senate has a right to judge are the qualifications stated in the Constitution. I read from the provision of the Constitution which affects impeachment:

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Is that one of the enumerated disqualifications? Not at all. Look at the Constitution. Remember that the Senate is a sovereign body exercising sovereign powers, with the right to determine these important questions affecting its own integrity.

Bear in mind, also, that judgment in cases of impeachment need not necessarily extend through all future time to disqualification to hold and enjoy any office of honor, trust, or profit under the United States. Suppose A has been elected to the Senate or appointed by the Governor in the case of a vacancy, and suppose that when he comes here to take his oath someone raises the question that A is really X, and that X has been impeached and cannot hold an office of honor, trust, or profit under the United States. Would we not have the power to look into the question? Would we not exercise the power? Would we say that that would be a case only for expulsion? Would we give to that kind of a man the benefit of a two-thirds vote? Would we give him any benefit? Suppose he came here under his right name but that in the State to which he had moved it had been forgotten that he had ever been impeached and debarred from holding any office of honor, trust, or profit under the United States. Suppose the people of his State knew nothing about it, but that he had made no misrepresentation. Would not the Senate have the power to protect its own integrity?

Suppose a man known to be of infamous character should come here, or suppose the Governor of a State should appoint such a man as Frank Smith. The single fact known about Frank Smith when he came here under the appointment of the Governor was that in a primary campaign he had accepted a large donation from a utility interest which came within his jurisdiction as chairman of the Commerce Commission of the State of Illinois. The special investigating committee hurriedly made its report to the Senate. The credentials were presented on the floor, and by a definite vote of the Senate the credentials were referred to the Committee on Privileges and Elections, there to lie until the Privileges and Elections Committee reported upon the case.

The last case to come before the Senate involving a question similar to the ques-

tion involved in this case was the case of Gould, a case from Maine. That case, as I recall, came before the Senate in December 1926. Mr. Gould had been elected from Maine. When he presented his credentials upon this floor the distinguished Senator, Tom Walsh, from Montana, who died soon after being appointed Attorney General by the President of the United States, and who was one of the best lawyers ever to occupy a seat in this body, rose and made the single solitary objection to Senator Gould's seating, that 14 years before his election he had been guilty of bribery, a fact which was admittedly known to the people of Maine and was discussed in the campaign.

The Senate considered the question whether to take jurisdiction. The Senate took jurisdiction, even in a case of that character, where there had been one single overt act, occurring 14 years before the election. When the committee investigated the case—and I was a member of the committee—we simply found that Senator Gould was not guilty, or that one view of the evidence exculpated him from all guilt of the charge, and therefore no other ruling was made. However, the Senate took jurisdiction of the case, permitted Senator Gould to be sworn in without prejudice—as in this case—went into the case, and looked into the facts of the case. That was the only fact involved in the case.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. GEORGE. I have such a short time that I must beg the Senator's pardon and decline to yield at this time. If I can finish before my time has expired, I shall be glad to yield.

The Constitution does not undertake to prescribe all the qualifications of a Member of this body. By way of negative statement, which is the case wherever a power is denied to a State in the Constitution, it is said that no person shall be a Senator who shall not have attained to 30 years of age, been a citizen of the United States for a prescribed time, and an inhabitant of the State at the time of his election. That is a negative statement, a statement which directly proscribes the sending by a State of anyone to the Senate who does not meet such qualifications. Conviction for impeachment is not stated in the Constitution as a disqualification. Even under the fourteenth amendment, which provides that no person shall be a Member of the Senate or of the House who, having previously taken an oath to support the Constitution, shall have engaged in an act of rebellion, the Senate itself is given the power to waive that disqualification. The Senate may, by the vote prescribed in the Constitution, permit the seating of the Senator-elect even though he had taken an oath to support the Constitution and had subsequently engaged in a treasonable act or had given aid and comfort to the enemy. Why? Because the Constitution left to the Senate the absolute power to say who should sit here and who should not sit here—the power to say what disqualifications it would prescribe. Even when the so-called war amendments were adopted they provided that the power should remain inviolate except that the Senate would be required to take a vote before the seating of a Senator-elect who had taken an oath to support the Constitution and who subsequently had engaged in an act of disloyalty against the Government.

In the section of the Constitution from which I have read there is not stated a single disqualification which the Senate is obliged to observe. That section constitutes a clear limitation on the power of the State itself. Mr. President, why is that so? It is so for this reason: When its framers wrote the Constitution and when the people of the United States adopted it, they knew very well what a parliamentary body was; they knew very well what the House of Commons and the House of Lords were. They had derived their jurisprudence from England. They were thoroughly familiar with what the House of Commons, the legislative branch of the English Government, could do. It has been the rule since time immemorial that the House of Commons could inquire into the qualifications, or the election returns, of any member who came to that body. That power was clearly and definitely reviewed and reasserted in the Wilkes case. It was known to those who framed our Constitution. What happened? The legislative power of this Government was vested in the Congress of the United States, and then the Congress was created, consisting of two Houses. To the Congress was given specially delegated powers and all other powers that arise by necessary implication from the powers granted; and the moment that a government, a sovereign government, is set up, is called into existence, and the legislative power of that sovereign is vested alone in a legislative branch of that government, under a constitution, there is no limitation on either House of that Congress with respect to its own members, save the limitations and restrictions which are written into that constitution; because in the case of absolute sovereignty the sovereign had a right not only to make the laws but to execute the laws and to interpret the laws. Under the English system, the power to make the laws was vested in a parliamentary body. The framers of our Constitution followed the pattern, created a parliamentary body, and gave it full sovereign power over everything placed within its jurisdiction, save as limited in the Constitution.

Oh, I know very well that, in theory, at least, the Federal Government is not an absolute sovereign. It exercises within the field of legislation only such powers as are expressly delegated or by necessary implication are implied from the powers granted; but with respect to the legislative powers granted, whatever they were, whether to control interstate commerce or to do any other thing which the Congress has from the beginning done, the Congress stands as a sovereign legislative body with the full power of the sovereign to say who shall sit here, and to meet at the door everyone who comes to it demanding a seat. After a Senator-elect has been seated, with no charges of substance against him relating to things which occurred long prior to the time before he became a Member of the Congress, then, of course, the Constitution does provide for expulsion by two-thirds vote. It does not matter when the motion is made to exclude a Senator; it does not matter whether it is made when the Senator-elect presents himself or thereafter. In the orderly course of things, it might well be made when the Senator-elect presents himself; but to make such a requirement would be to do violence to another constitutional provision of great and perhaps higher dignity; that is, to deny to the State equal representation by having two Members in the Senate at all times—a right of which a State cannot be deprived, save by its own consent.

So the practice has grown up of permitting a Senator-elect or a Senator-designate to come into this body if he has credentials, regular on their face, and to take his seat without prejudice, if there are then pending objections to his qualifications, and to permit the qualifications to be examined later. It is simply a rule of expediency, simply a practical determination of a question, but having due consideration to the right of every State to have two representatives in this body.

The same thing is true when a Senator-elect comes here with credentials regular on their face and is met by a contestant. The contestant files his contest. The contestee, the Senator-elect, or Senator-designate, always is permitted, so far as I know, to take his seat.

He may sit here for 6 months or a year before the contest is finally decided. Everything he does is done of right as a de facto Senator, at least. Nothing that he does by his own single vote as a majority of one can be questioned anywhere, because he is a Senator sitting here. If later it should be determined that he was not in fact duly elected at the time of the election, although he may have been here 1 year or 2 years, or if it should appear that either as a result of accident, fraud, or mistake, he was not duly elected, of course he would then go out; and the contestant himself would come in and would be seated in his stead. So the logical question arises there.

The sole question in this case—and it is the question in every case—is not in what form the motion arises, not at what time the motion arises, but what is the substance of the motion. If the motion questions the qualifications or the election or the returns of a Senator-elect, it is a motion to exclude him, and on that motion only a majority vote of the Senate is necessary. If it relates to anything done after his election, anything occuring after the time he becomes a Member of this body, then the motion is to expel him, although the act complained of may be of a character exactly similar, one of a kind, to the act which was committed perhaps 2 years before the election on which a motion is made to exclude.

It may be said that after one is elected the Senate has jurisdiction of him. I deny it. There is no reason for saying that it has jurisdiction of him. So far as expelling him is concerned, it may have some kinds of jurisdiction, but, until one is elected or appointed and comes here to take the oath of office, he

may decline the office; he may give it up at the last minute; he may not come when his term commences; he may remain away from here; and, if he does, the only rightful power of the Senate is to declare his office vacant and to proceed to have it filled up as the Constitution prescribes.

When he comes and elects to take the office and takes the oath and takes his seat, if there is not raised then or thereafter the question of his election or his qualifications, he can be deprived of his membership in this body only by expulsion, which requires a two-thirds vote. If his election is involved, if fraud, accident, or mistake can be shown to account for his presence here, although nobody raises the question for months and months after he comes into this body, it can be raised whenever the fact is known or when any one desires to raise it. That, however, does not involve this case.

When Mr. LANGER came here he was met with objections to his qualifications; long petitions were on the desk; the majority leader, perhaps after conference with some of the friends of Senator LANGER—I do not know—permitted him to be sworn in without prejudice to his right to insist upon all his rights, and without prejudice to the Senate to take whatever action thereafter appeared proper in his case.

So, Mr. President, I think that resolution No. 1 should be voted in the affirmative, and I so think regardless of what may be done in the further resolution as to permitting Senator LANGER to retain his seat. I think it infinitely more important that the Senate not publish to mankind that it lacks either the courage or the wisdom to meet an issue head on, face to face, and that it protect its integrity by excluding from this body not only those who are not 30 years of age, who have not been citizens 9 years, who were not inhabitants of the State from which they were elected; not only those who have been convicted of treason and deprived of the right to hold office; not only those who hold other offices of trust under the Constitution of the United States; not only those who, having taken an oath to support the Constitution have levied war against the Government of the United States, but for any other reason which can injure the integrity of the Senate itself. Do not do that, gentlemen. Whether you seat Senator LANGER is another question. It is infinitely more important that the Senate of the United States retain its power and assert its power.

Someone has been worried about the lack of power in the Congress of the United States to prescribe any other disqualifications. Why worry about that? Certainly there is no power in the Congress of the United States to prescribe any other disqualification, because not the Congress of the United States, not the President of the United States, not the Supreme Court of the United States, but each House of the Congress is the judge of the elections, returns and qualifications of its own Members. Nobody can encroach upon that power; but the way to lose it is to be timorous in asserting it.

Mr. CONNALLY. Mr. President, the Senator from Georgia [Mr. GEORGE] always makes able and well-considered addresses; I admire his great legal ability, and were this case to be decided upon our respective merits, I should not dare to draw my sword.

I agree with the Senator from Georgia that the Senate of the United States ought to retain whatever power it possesses with respect to the admission to and the expulsion of Members from this body, but I do not agree to the theory that the Senate has the authority to treat with indifference the distinction between exclusion and expulsion.

Mr. President, we are faced here today with four parties to this proceeding: The Senate of the United States, the Senator from North Dakota, who is the prisoner, as it were, at the bar, the State which elected him, and the Constitution of the United States. I hope in the very few minutes I shall devote to this matter to undertake to harmonize and give to each of the respective parties the proper jurisdiction which they possess.

Mr. President, my view of this matter is that when a candidate for the Senate approaches the door of the Senate with an abstract of title from his constituency, covering all the requirements as set forth in the Constitution of the United States, the Senate may not reject him, but must expel him if there is any cause for his not remaining in this Chamber.

What is the issue here today? The issue is not a matter of punishment; the Senate is not a court to inflict punishment upon Senator LANGER for what he did 20 years ago; but the Senate is sitting here to protect itself alone. The courts are the proper tribunal to inflict punishment. We have no right to say that we are going to punish Senator LANGER. We can only put him out of this body, on the theory that he was corrupt 20 years ago and he is still corrupt, and, being corrupt now at this moment, he is in danger of corrupting the Senate of the United States, or of depreciating the dignity of the Senate of the United States. If he has been cleansed, if he has been forgiven, if he has been given a bath of immunity, and is now pure, why should we exclude him?

The Senator from Georgia referred to the case of Al Capone. If Al Capone should be legally elected a Member of the United States Senate, and possessed the qualifications, we could expel him the moment he came through that door; but, suppose Al Capone had become purified, that he had become a Christian, and the Senator from Georgia knew that he was pure, that he was honorable, that he intended to do the right thing—there is no power on earth that would sanction his exclusion on the ground that he committed an offense 25 years ago.

Mr. President, Senator LANGER appears here. What does the Constitution say as to the title he shall have? The Constitution of the United States uses negative language; and I think there was a reason for the use of negative language. The Constitution of the United States says that no State shall send a Senator here unless he has been 9 years a citizen of the United States; unless he is an inhabitant of the State from which he comes, and unless he is 30 years of age. Those are prohibitions or limitations. By inference it clearly appears, to my mind, at least, that the States may send whomever they please, but whoever they send must, at least possess those qualifications. It cannot be said that the Constitution makers did not think about that subject.

Let us see what is the background of the Constitution of the United States. First there was the Continental Congress, to which each colony sent whomever it pleased, without any restrictions whatever upon its right by the central body. Then, under the Articles of Confederation—and I hold them in my hand—each State had a right to send such delegates as it might determine and select. There was no restriction, no limitation; they were recognizing the freedom of the States. But when they got into the Constitutional Convention, with this sort of a background, and knowing that the States and the Colonies had a right to send whom they might please, there were those who said, "Wait a moment. We want to protect against those not native-born, not 9 years citizens, and not inhabitants of the State. We want no rotten boroughs," and they laid down these qualifications.

There are those who say the qualifications are not exclusive. Why are they not exclusive? We are now meeting in the constitutional convention, let us say, in this Chamber, and some Senator proposes the qualifications which are now set forth in the Constitution. Can it be supposed that if this body wanted any other qualifications some Senator would not arise and say, "Mr. President, wait a minute. I am going to offer an amendment." We have many amendments here. Amendments were offered in the convention. If the framers of the Constitution had intended that the Senate on the one hand or the Congress on the other had the power to say that there should be other qualifications, why did they not say, "or such other qualifications as either House may prescribe," or, "such other qualifications as the Congress may prescribe"? All through the Constitution we find that kind of provision. They laid down certain things and then added, "or as may be provided by law," or "as one House may determine."

It did occur to the members of the Convention to add other qualifications. Mr. Pinckney, of South Carolina, who had originally offered a complete draft of the Constitution, proposed that another qualification be added. The original draft of the Constitution provided that—

> The legislature of the United States shall have authority to establish such uniform qualifications of the Members of each House, with regard to property, as to the said legislature shall seem expedient.

Senators now say that, though that was rejected in the Constitutional Convention, if the Senate desires we can exclude a Member because he does not possess a sufficient amount of property. That is their theory, that we can add anything we desire. But what happened to the proposal in the Convention?

Mr. Gouverneur Morris, who was politically more or less of an aristocrat, who held the Tory view of things political, proposed to go beyond that. He wanted to strike out "with regard to property," in order to leave the legislature entirely free to act. In other words, Mr. Gouverneur Morris proposed in the Convention itself that, in addition to the grounds we now have in the Constitution, the legislature might be entirely free to prescribe other qualifications. That is what those opposed to Mr. LANGER say we have the power to do. Yet when it came to the test, old James Madison, who knew more about the making of the Constitution than any other man there—and I glory in him; he came from the same Commonwealth now represented in part by the distinguished Senator on my right, the senior Senator from Virginia [Mr. GLASS]—James Madison opposed these amendments, and he said:

Mr. MADISON. The qualifications of elector and elected were fundamental articles in a republican government and ought to be fixed by the Constitution. If the legislature could regulate those of either, it can by degrees subvert the Constitution.

In other words, Madison said, "If you let the Senate determine any qualifications it may see fit, it may subvert the Constitution of the United States. If you permit the House to determine in the first instance the qualifications of its Members," Mr. Madison said, "you may subvert the Constitution of the United States."

I submit these sayings of wise men, men sitting in the Convention, men breathing its spirit, surrounded with the patriotism and the determination of the other leaders to make a government, to preserve democracy, to secure the rights of the States; I set those opinions against some of those we have heard uttered on this floor in recent days.

Mr. President, after hearing Madison, after hearing Pinckney, after hearing Gouverneur Morris, the Convention voted to refuse the Senate the right to add property qualifications. When they refused to permit the Senate to add that qualification they voted down the power to add any other kind of a qualification, and they thereby denied to this body and to the House of Representatives the right to impose any additional qualifications, save those set forth in the Constitution of the United States.

Has the Congress of the United States recognized that principle? Senators will recall that in the fourteenth amendment, which was a constitutional act, the qualifications as to membership in this body were further amended by the provision that no one who had ever participated in rebellion or armed resistance to the Government could serve as a Member of the Senate save by a two-thirds vote of immunity.

If we could have accomplished that without the Constitution being amended, why was it not done? If the legislature could have done that by statute, why did they not do it? They said, "No; we cannot exclude members from this body because they participated in rebellion, save by amending the Constitution of the United States itself." When they adopted that amendment they thereby by inference excluded every other specification, save alone that of participation in rebellion.

My fellow Senators, these are elemental truths, according to my mind. We do not have to read a great number of lawbooks. We have brains, we have minds. We are the ones to be guided by the Constitution in this instance. We have a right to judge what this language means and what the precedents mean.

Mr. President, what is the philosophy behind all this? I think there is a philosophy which some Senators have overlooked. Why have two routes for getting Members out of this body? One is exclusion at the door, exclusion at any time. It does not make any difference whether one takes the oath or not; according to my view, it does not change the situation at all that he takes the oath. A year after he has been in the Senate, if we should decide that he was never legally elected, he goes out, because he never was a Senator de jure to start with. That was the situation in the Smith and Vare cases. Those cases are not comparable with the instant case. We decided in the Smith and Vare cases that neither of those men was ever legally elected, because he polluted the stream, he corrupted the ballot, and the poison permeated the whole election, vitiated it all, and he never was a Senator at all, he never acquired title, he did not come here with an abstract of title, he came here with grimy and corrupt hands, freshly stained with corruption upon them, and that corruption was responsible for his apparent election. The Senate said, "You never were a Senator. You were not a Senator when you stood at the door." If I am correct, that is the theory of the Senator from Oregon. That is what those cases decided.

But in the case of Senator LANGER, not a voice is lifted to say that he was not legally elected. Oh, it is true that the Senator from Vermont [Mr. AUSTIN] yesterday said that while he was elected, we had a petition here from the people of North Dakota. How many of the people of North Dakota? Is a nondescript minority the people of North Dakota? If the people of North Dakota have any complaint in this case, their forum is the ballot box, and not the Senate of the United States.

North Dakota is a sovereign State. It may control the qualifications of its electors. It may control the election of and the conduct of its candidates. If crime is committed in North Dakota, it has the sovereign power to punish the criminal through the courts. The people of North Dakota, in the most solemn referendum free government knows, went to the ballot box and elected this man Senator, it elected him twice before that as Governor, it elected him twice before that as attorney general, and it does not lie in the mouths of a handful of disappointed and vanquished antagonists to come here now and say, "We cannot convince the people of North Dakota, who know, him, the people of North Dakota, who are familiar with his life, the people of North Dakota, who have mulled over his political record and the charges against him for 25 years. We cannot trust them to pass on his morality. We want a committee of Congress, the members of which have not attended the sessions, we want the Senate, half the Members of which do not hear the debate, to pass on this case, and give us the Senator we want. True, we were licked in the election. It is true that the charges were broadcast on every stump in North Dakota, and it is true that Mr. Lempke went about the State discussing the bond transaction and the land transaction. Every voter in North Dakota who could read or hear knew about it. But we want the Senate, in its purity and its wisdom, to rewrite the verdict, and give us a Senator we want."

What is that old reference about those English characters, the tailors of Tooley Street? Three tailors met in Tooley Street in London on one occasion and solemnly drew a petition to be presented to Parliament, which began, "We, the people of England." We find here a handful of complainants, who do not represent the people of North Dakota. And while I am on the subject of North Dakota, let me say that it has courts, it has Governors, it has a Governor now who is an enemy of the Senator from North Dakota. The present Governor of that State was elected on a platform pledging, "If you will elect me I will clean up this bond transaction, I will ferret out LANGER, and I will have him prosecuted and have him punished. I will appoint an investigator who will go to the bottom, one Mr. Duffy, and we will drag forth into the clear light of heaven all these impurities and these crimes."

Has there been a single indictment? Not even in a justice of the peace court. Has there been an indictment in the district court? Not one. Has there been a legislative committee which has ferreted these things out and condemned the Senator from North Dakota?

Why do not the people of North Dakota, of whom the Senator from Vermont speaks, assemble in North Dakota, instead of in Washington, and have the grand jury convene and act upon these charges? Why did they not sit down on the steps of the mansion of this Governor, who during election is strong for purity and after election gets cold feet because he fears he cannot deliver? Why do not the people of North Dakota get the North Dakota authorities to act? They want the Senate of the United States to act. I suppose they think we have played everybody else's game here and that we might as well play theirs. [Laughter.]

Mr. President, my contention is that there is bound to be some reason for these two philosophies as to expulsion and rejection. The men who framed the Constitution were not engaged in playing battledore and shuttlecock; they were engaged in endeavoring to foresee difficulties and to provide methods of dealing with them. So they provided two methods in respect to this difficulty. They are bound to have different bases, but if we were to follow the majority we would not need to have provision for expulsion of some person, except after he had come here; then he might be

expelled. Their theory is that if a person committed a crime last August the Senate can punish him for it. They call it punishment, but it is not punishment at all. We are not engaged in punishment. It is punishment enough for the poor victim, but for the rest of us it is not punishment. It is said we can punish a man for a crime committed last August by a majority vote.

After he comes into the Senate it is contended that the man can commit the same crime right here on the very altars of the Senate—it ought to be a greater offense to commit the crime in the Senate than to do so before he came here and he may have repented before he came here—but if he commits a crime after he comes into the Senate then they say, "Oh, it takes a two-thirds vote to act." "Why did you not throw another man out last month for committing a crime last August, the same crime?" "Yes." "Well, this fellow committed the same crime in the Senate. He shook his fist in the face of the Vice President and said, 'To hell with the Senate, I will do as I please,' and he committed a crime. He hit a man over the head with a stick; he assaulted him." But the majority say, "Now, wait a minute, we are trying to preserve the purity of the Senate. You cannot throw him out except by a two-thirds vote."

Mr. President, my contention is that if the issue involves any one of the four points, whether the man is a resident of the State, whether he has been a citizen for 9 years, whether he has borne arms against the Republic, or the other qualifications, it is an issue of fact. Those qualification are plainly set down. We have a right to determine those questions by a majority vote just like we determine every other question by a majority vote. If he is an objectionable character, if he is currupt, if he is a criminal, of course, we can throw him out. We can throw him out the first day he comes here. But we would have to throw him out by the process of expulsion. There is a reason for that provision. In the other case, where it is purely a finding of fact, it requires only a majority vote. But in the case of expulsion it contains more than simply a question of fact.

The Senate cannot probe into a man's heart. It involves the question of discretion, whether we will expel him or not. Being a question purely of discretion and of will, the makers of the Constitution said:

> We will require in such a case a two-thirds vote. We do not want a narrow partisan majority of one to expel a man from the Senate of the United States.

It is true the Senate may expel him for anything. The Members of the Senate may expel him because they do not like him. They may expel him because he is not a new dealer. They may expel him because he is a new dealer. They may expel him because he does not have the right kind of a mustache. They may expel him on any ground they want to, and they can expel LANGER right now on any ground they want to, but it must be done by a two-thirds vote.

The framers of the Constitution felt that action involving the free and unhampered will of the Senate must have some bridle placed upon it; that it must have some limitation placed upon it; that it shall not be the plaything of the passion of an hour or the impulse, or prejudice of Senators who might act tonight, and change their minds tomorrow. Therefore they said, "We will not permit the Senate to expel a man except by a two-thirds vote." Is not that a sound principle?

Mr. President, I have only 5 minutes left; I have a monitor who pulls my coat and tells me I have only 5 minutes left. I can but briefly refer to the other matters. The only reason the Senate can expel this man or put him out of here now is because he is corrupt right now. If he was a cattle thief 20 years ago Senators must believe he is a cattle thief now, and if they do they can throw him out by a two-thirds vote. If they believe he was a bribe taker 20 years ago they must believe he is a bribe taker now, and therefore is apt to corrupt the Senate. But when they do, they must throw him out by a two-thirds vote. The crime committed is a continuing one. If he was corrupt 20 years ago Senators must believe he has been corrupt all the intervening time, and that he comes into the Senate now corrupt, and being corrupt, the Senate has a right to put him out. Is there no period of forgiveness? Can the Senate not act as He acted in dealing with the accusation against the woman in the Bible, and sent her away and said, "Sin no more"? Oh, no, Mr. President, the Medes and the Persians say that principle cannot be invoked. They say that because Mr. LANGER stole a drug store as was charged in North Dakota, the Senate should stop him at the door by a majority vote.

We may expel for any cause. The Constitution does not add "or such other qualifications as either House may provide." The Constitution was founded upon the theory of the Confederation and the Continental Congress. The framers tried to carry forward into the new Constitution the fundamentals of the theories of those bodies. The Convention was called, not for the purpose of making a new Constitution, but to modify and to amend the Articles of Confederation. These negative limitations, to my mind, excluded every other limitation except those which were named, and Madison made it clear that as finally drafted the Constitution says just what we contend it says—only that the States, when they do elect, must elect one having these qualifications.

I now wish to speak of the issue of fact. Senators remember the Albert Gallatin case, which came up on the question as to whether he had been 9 years a citizen of the United States. The Senate tried that case. It was tried on an issue of fact. Senators remember the Holt case. In that case it was contended that Holt was not 30 years of age when his term began. We had a right to pass on that case by a majority vote, because in that case it was not a question of expelling him. We were trying him on the question of one of the links in his abstract of title, and not on the ground that he was corrupt.

If the power of adding to the qualification was to be given to any body by the Constitution, why did not the Constitution so provide? In another place it said that the Senate shall be the judge of its Members' qualifications. The framers of the Constitution could very easily have said right there, if they had wanted to, that "The Senate shall add to the qualifications here set out." But they did not do so. The Constitution provides that the Senate can judge of the qualifications of our Members. The Constitution says, "judge." It does not say that we can create new qualifications. If the framers of the Constitution had meant to say that we can create new qualifications, I think Mr. Madison knew enough about the English language to have said, "create qualifications." But the language of the Constitution is "to judge." What do Senators think of a judge who tries to make laws? A judge does not create any law, he does not enact any statutes. He judges the facts that are brought to him. He passes judgment on what is already laid down in the books. And when the Senate judges, it judges the fact whether a man has been 9 years a citizen, or whether he is 30 years of age, or whether he has borne arms against the Government. When the Senate judges it simply finds that the man is 30 years old, as we did in the Holt case, as the Senate did in the Gallatin case when it passed on the question as to whether he was 9 years a citizen of the United States.

When it comes to this larger question of expulsion, that is an act of self-defense, that is a saving clause which the makers of the Constitution inserted in the document, giving us the widest latitude, the widest possible power, but bridling that power, arresting that power, clothing it with caution, giving something of patience, by providing that though you can expel him for anything on earth, you can only expel him by a two-thirds vote. That is the case here. You have a perfect right—I would not say "right"—but a perfect power to expel the Senator from North Dakota because he wears a blue suit, if you want to, but when you do, you have got to do it by a two-thirds vote. You cannot expel him at the door because he wears a blue suit, because the Constitution does not require him to wear a blue suit, and it does not deny him the right to wear a blue suit. It simply says that if he is a resident of his State, if he has been legally and honestly elected, and if he has been 9 years a citizen, and is 30 years of age, he is a Senator-elect, and there is no power on God's green earth that can make him anything but a Senator, except this body, by expulsion. I do not think there is anything in the doctrine that we have to wait until after he comes in the door. I think if he committed a crime a week before he came here, the power of the

Senate is absolute and we could expel him.

In closing, let me say that, in my opinion, the facts in this case do not meet any judicial test. Senator LANGER is clothed with the cloak of innocence. He wears the badge of innocence until the presumption of innocence is overcome. I challenge any Senator to read the record and find convincing evidence which would convict Senator LANGER of any of these charges were we to pass upon the charges themselves.

Mr. CHANDLER. Mr. President, when this case came to the Senate the distinguished Senator from Texas [Mr. CONNALLY] was chairman of the Committee on Privileges and Elections. He reported to the Senate a resolution which was unanimously adopted by the Senate. That resolution instructed the Committee on Privileges and Elections to examine into certain charges filed, not by the committee or by any other Member of the Senate, but by the people of North Dakota, questioning the right of Senator LANGER to a seat in the Senate.

Pursuant to that resolution the committee, for a year and 3 months, has undertaken to do what the Senate authorized and instructed it by resolution to do. During the discussion of the preliminary phases of the question, before it had been definitely determined what course the committee should pursue, the Senator from Texas said to the committee:

> I think that we have the naked power to exclude anybody just because we do not like the color of his eyes; but I think under the precedents we would not have any authority to go further than the issues that affect his character.

So far as I know and have been informed, no charge has been made against the character or conduct of Senator LANGER since he became a Member of the Senate.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. LUCAS. Will the Senator repeat the statement which he read? I did not quite catch it all.

Mr. CHANDLER. The chairman of the committee said:

> I do not quite agree with Senator HATCH. I think that we have the naked power to exclude anybody just because we do not like the color of his eyes; but I think under the precedents we would not have any authority to go further than the issues that affect his character.

Mr. LUCAS. As I understand, the chairman of the committee was the distinguished Senator from Texas [Mr. CONNALLY].

Mr. CHANDLER. That is correct.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. CONNALLY. The Senator from Illinois knew that when he heard the statement first read.

Mr. CHANDLER. In answer to a question by the Senator from Rhode Island [Mr. GREEN] the chairman said:

> The CHAIRMAN Awhile ago I said that I thought it was our duty to investigate the charges. I did not mean by that that if we thought that the charges were frivolous or were not worthy of considering that we had to go into those facts. We can just disregard them, but as to such charges as we should find raise an issue that goes to the title of the Senator, we will have to go into, regardless.

It has been said here by some members of the committee and by other Members of the Senate that the Senate Committee on Privileges and Elections undertook to punish Senator LANGER, and that we went out of our way to get up charges against him. During the first few days of debate I thought the committee, and not the Senator from North Dakota, was on trial. On the opening day of the session when the Senator from North Dakota presented himself the statement was made by the majority leader, and not objected to by any Senator, that by a majority vote we could say to the Senator from North Dakota, "You stop at the door." That was the substance of it. However, he said:

> The better practice in such cases seems to have been to allow the Senator-elect to take the oath without prejudice, which means without prejudice to him and without prejudice to the Senate.

Then a discussion ensued between the Senator from Kentucky [Mr. BARKLEY] and the Senator from Vermont [Mr. AUSTIN], and the Vice President said that the Parliamentarian had advised him that if the Senator should come in and take his seat, then the question of his qualifications could be determined by a majority vote of the Members of the Senate present at the time the vote was taken.

Mr. President, I have not tried this case on technicalities. I have tried it on the record; and on the record it is my opinion that no Senator can justify to his people, if the issue is raised in his State, a vote to condone the conduct charged—and in my opinion proved—in this case.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. CHANDLER. Mr. President, I decline to yield. My time is limited. The Senator from Utah consumed a week. I do not wish to engage in a discussion with him. I wish to finish my own remarks.

I tried the case on the record—not on any technicality, but on the facts presented to the members of the committee—as to whether Senator LANGER was guilty of the serious charges made against him by the people of North Dakota.

It has been said that the people of North Dakota knew about the charges and passed on them, because they were issues in the election in North Dakota. If the people of North Dakota did pass on them as issues, they decided those issues adversely to the Senator from North Dakota, because in a three-cornered race Senator LANGER received 100,000 votes; Lemke received 92,000; and a third candidate received 69,000. Together the other two candidates received 161,000 votes, and Senator LANGER received 100,000. He was elected by a minority of the voters of North Dakota in that election.

Let us see briefly what the charges are. When I undertook the case I had nothing against the Senator from North Dakota. I have nothing against him now. I wish I could have been saved service on the committee, or having to vote. I can never be persuaded to vote on another such case if it is conducted in the way in which this one has been conducted. If in the future a Senator-elect comes to the Senate with charges brought against him by the people of his own State, my opinion is that we will not get the Committee on Privileges and Elections, under a resolution of the Senate, to investigate the charges if the Senate is to say later that it has no jurisdiction and that the investigation should not have been made.

Let us see what happened. The committee voted 14 to 2 to assume jurisdiction. If I am not incorrectly informed, the Senator from Texas voted, along with 13 other members, that we had jurisdiction over this case and that we ought to proceed to investigate and reach a decision. Then the committee voted 14 to 2 that the case must be considered by the Senate under its constitutional and inherent obligation to examine the qualifications of its Members; and if I am not incorrectly informed the Senator from Texas voted for that proposition.

Finally, the committee divided 13 to 3 on the resolution—

> *Resolved*, That WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota.

I wish to give my reason for the decision which I have reached. I dislike to vote on the question whether one of my fellow Senators has the right to sit in the Senate. Personally I have no objection to him. If I had my wish in the matter I would wish that the charges were never brought, and that he did not have to answer. So far he has not answered to the Senate, and his explanations before the committee were not satisfactory.

What are the charges? The first charge is that he and his associates tried to bribe or buy a Federal judge. To my mind that is a most serious charge. It is said that he did not do it; but he paid the money. It is said that he did not buy the judge; but he tried to do so. He and his agents tried to influence the judge to direct a verdict in a case in which he was charged with conspiracy in his own State. There is a rule of law that even if he did not do it himself, if he did it through his agents he was responsible. The Latin maxim is, "Qui facit per alium facit per se." What a man does through his agents or representatives he does himself. He did pay money to the judge's son, who was a weakling. It is said that the son did not try to influence his father. I do not know whether he did or not, but he talked about it. Then he said, "I do not think I can do much about the fixing business. I do not think, from a physical standpoint, it is a possibility that I can fix the old man." To the old man's credit, I do not think he did, but he tried; and we must either believe that $525 was paid in an attempt to bribe the judge, or we must be foolish enough to believe that Mr. LANGER's agents paid the judge's son $525 to go to his father and tell him that a banquet was to be held in his honor when he came to North Dakota. Senators may believe that if they wish to do so. I do not believe it.

Senator LANGER took $2,000 from a widow to obtain a pardon for her son, who was in the penitentiary. He never believed that he could obtain the pardon, and never tried to obtain it; but when she sued to try to recover the money, the prisoner in the penitentiary was punished until his mother was persuaded to withdraw the suit. That is another charge which is unexplained. I cannot account for it.

It is said that the people of North Dakota are responsible for Senator LANGER. They are; but if I should vote for him I should get in the same bed with him, and accept my responsibility for him from now on. I am not willing to do it.

It is said that he sold stock to a railroad lawyer by the name of Sullivan. Sullivan is a distinguished, brilliant, and successful business man. He speculates and deals in securities and stocks; but the record shows that he bought $25,000 worth of stock without receiving the stock. So far as I know he never asked for it. It was worthless. Senator LANGER never turned the stock over to him. Nobody knows where it is now. Mr. LANGER was asked, "Where is it, Senator?" He replied, "I do not know. I wish I knew." It was not delivered. It was not transferred. It was of no value; yet Sullivan, the representative of the Great Northern Railroad, paid the Governor of North Dakota, who was chairman of the commission which supervised the rates of assessment of that railroad company in North Dakota, $25,000 for nothing. Mr. LANGER got the money. Sullivan got nothing. Sullivan has been highly successful in business, but not by conducting his business in that way. No man ever made money by conducting his business the way Sullivan conducted this transaction. The railroad company's assessment was decreased the first year, and the second year it was increased $3,000,000. The contract for the stock was entered into on the 27th day of May 1937; and just before the board met to consider the assessment of the railroad company Mr. LANGER demanded and got the balance of the money—some twelve thousand dollars—from Sullivan on the worthless stock.

Let us see what he did with the money. He owed the Northwestern Mutual Life Insurance Co. on loans on his insurance. He did not put the check into the bank. He endorsed it and sent it to the insurance company, to pay his debt, and asked the insurance company to send him the balance, which it did. The balance was $4,000.

Then he sold land to Brunk. I do not know when my friend the junior Senator from Utah changed his mind, but he changed it at some time, because when we were talking about that transaction he said, "This is an irrational deal; this is an irresponsible sort of proposition." Brunk said, in reply, "Yes, sir; it is." He said, "If my good Scotch wife did not understand why I paid $56,800 for land which the appraisers said was worth $5,600, I cannot expect Senators to understand it."

The junior Senator from Utah did not understand it then. No one else understood it. Fifty-six thousand and eight hundred dollars was paid for land which, according to the appraisers, was worth $5,600; and Mr. LANGER got the money. What did Brunk and Brewer get? They were bond dealers living in Iowa. They were friends of Mr. LANGER. Brewer did not like the transaction, but Brunk wanted to help Mr. LANGER. He helped him unwisely, and not so well. He admitted wanting to contribute to him in some way. Mr. LANGER got this money.

Let us see what the bond brokers got. In 1937 and 1938 they took some $297,000 from the little counties in North Dakota, from the hard-working Scandinavian farmers in North Dakota. The Bank of North Dakota financed the transactions, and the counties could not do business except with the bond syndicate, because the Governor had the power to veto transactions. In 1937 and 1938, according to the books of Brewer and Brunk, they collected on county bonds bought from the North Dakota counties, and they were the only ones who could deal with the counties, because if anyone else tried to do so the Governor could put him out of office; and in one case he did put such a person out of office because he attempted to deal with someone else.

According to the books, they got some $297,000 from those North Dakota counties, from the poor, hard-working Swedes, Poles, Icelanders, Norwegians, and Danes. I have known some of them for 22 years. I have played baseball with them. They are frugal, thrifty, and hard working; but they could not sell their bonds except at a discount. The bank of North Dakota financed the transactions for the Governor, and Brunk and Brewer collected the money. The only thing that we can see in that transaction is that Brunk and Brewer were "kicking back" to the Governor of North Dakota $56,800.

In my opinion, it is impossible for a Governor to deal with a lobbyist for a railroad company and with bond dealers, collect $25,000 for worthless stock, collect $56,800 for land of the value of $5,600, and still be conducting the affairs of his State according to decent, honest administration. In my opinion that is impossible.

I have disregarded the fact that he "took a drug store." He did take a drug store; he took it, and took the house with it, and locked all of it up. It is said that he did not "take the jail." He did; he broke into the jail, got the keys, and scuffled with the deputy sheriff. He did all those things. He called out the militia. As the Senator from Delaware [Mr. TUNNELL] said, he hid in a shanty in the woods in order to evade process servers after he had called out the militia and declared martial law when he was ousted as Governor.

It is not contended that he has committed any such acts since he became a Senator; but it is contended that he performed the acts as a public official. No justification or excuse for such acts has been shown by him or by anyone who appeared for him or who testified for him.

It is not contended that they constituted decent, honest conduct of the affairs of the people of North Dakota.

The responsibility of voting for him is the Senate's. On the record I cannot vote for him. I have reached the decision which I have reached on the record, not on any technicality. I do not believe that he has any more right to a seat in the Senate than he had on the day when he appeared at the door of the Senate and we said, through the majority leader of the Senate, "Come in and sit down without prejudice to you, and without prejudice to the Senate, and we shall examine the charges." My colleague, the majority leader, said, "The charges are serious, but we shall examine them."

The Senate adopted a resolution instructing the Committee on Privileges and Elections to examine the charges; the Senate told us that we could examine them ourselves, by a subcommittee, or through investigators. We chose the latter course, because we did not want to send Senators to North Dakota on a junket, to stir up the people there. We handled the matter in the best way we could, without prejudice to Mr. LANGER. We had the investigators go quietly to the State of North Dakota and ask the people there for the truth about the whole thing. The people were surprised at some of the transactions, because they had not known about them before.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. STEWART. I ask the Senator to yield for just a moment; I do not want to encroach on his time.

A moment ago the Senator spoke about Senator LANGER receiving $25,000 from Brunk, in a deal for land which Brunk never had seen. The junior Senator from Kentucky said there was a mortgage on the land. I believe the record shows that there was a mortgage of $25,000 on the land. The amount of outstanding unpaid taxes and the amount of the mortgage were to be deducted from the $56,800. The whole amount was paid Senator LANGER, and he, in turn, was to pay the mortgage and the taxes.

Mr. CHANDLER. Oh, yes.

Mr. STEWART. Does the Senator know whether the mortgage and the taxes have in fact been paid?

Mr. CHANDLER. So far as I know, they have never been paid.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. LUCAS. I do not know anything about the mortgage; but the testimony specifically shows that when the hearings were being held, after we appointed the appraisers, one being a title examiner from Minneapolis, Minn., with 14 years' experience in the examination of titles, not a single dime of taxes had ever been paid upon a single acre of the land which was bought by Brunk during 1936 and 1937. When the title examiner made his investigation, the taxes alone on that

land were more than what the appraisers found to be the equitable value in the land.

Mr. CHANDLER. The Senator's statement is accurate.

I desire to conclude by saying that it is a serious matter to be called upon to vote against the right of a fellow-citizen to occupy a seat in the Senate. I wish I had not been placed in this position, and I wish I had not been a member of the committee. I hope I shall not have to be a member of such a committee in the future when cases of this sort are considered. The task is highly distasteful. However, a member of the committee has an obligation to do what the Senate directs the committee to do. We were directed to find out whether the charges were true. In this case, in my opinion, the charges against the Governor of North Dakota have been proved. If the Senate wants to keep him here in spite of the charges, I am powerless. If we could have kept him out on the opening day by a majority vote, I think it is foolish to let him come in and then require a two-thirds vote in order to get him out. The Senate will be confronted with such situations as long as its legislative life continues.

My opinion is that, for the reasons stated, we cannot justify allowing Mr. LANGER to retain a seat in the Senate. His supporters have stayed away from the record. That is not unusual for lawyers who try cases. If the facts are with them, they stick to the facts; if the law is with them, they stick to the law; and if neither is with them they tell funny stories. [Laughter.]

It has been stated that the Senate should not attempt to conduct a trial. I admit that there are better things than a Senate trial; but under the Constitution of the United States the Senate is the judge of the qualifications of its own Members. I do not think that means that the Senate shall consider only how old a Senator-elect is, what State he lives in, how long he has been a resident of the State, and whether he is a citizen of the United States. I do not think the Constitutional provision means only that. If it does, the Senate does not need a Committee on Privileges and Elections; each election year the Senate can appoint a special committee to find out whether a Senator-elect is a citizen of the United States, whether he is old enough to be in the Senate, and whether he has been living in his State long enough to qualify.

The statement has been made that when charges similar to those made against Senator LANGER—which I think it is admitted have been proved—are made against a Senator-elect, the Senate may refuse to admit him by a majority vote, but that if he is allowed to take his seat pending investigation he may thereafter be excluded only by a two-thirds majority. I do not believe that is the law of the United States. I am not willing to dodge by such a technicality the issues presented by the charges which have been made in the pending case. On the record and the facts which have been presented by the people of North Dakota, and not on the basis of any technicality, in my opinion, these serious charges have been proved against the Senator from North Dakota so fairly that I think, under the circumstances, he is not entitled to a seat in the Senate.

It has been said, "Send him back to North Dakota, and the people will elect him again." I have no objection to that; but the Senate has the responsibility of passing on the charges which have been presented; and if on this record the Senator is allowed to retain his seat, the Senate will be called upon to justify its vote.

Mr. President, faced with that responsibility I must vote with the majority of the committee, and say that under the circumstances the Senator from North Dakota is not entitled to retain his seat.

Mr. CHAVEZ. Mr. President, it was not my purpose to discuss the pending question, and I should not do so now except for certain remarks made toward the conclusion of the address by the junior Senator from Kentucky, to the effect that some of the supporters of Senator LANGER have not come to his defense.

Some time ago I took it upon myself to make some inquiries of persons who I thought would be impartial in the matter of passing judgment on the character of Senator LANGER. I did not write to persons in political life; I did not write to businessmen who might have some axes to grind. I took it upon myself to write to some clergymen in the State of North Dakota whom I did not know but who, I thought, possibly could give me some information that would assist me at least in passing judgment on the character of the Senator from North Dakota, without having my judgment interfered with by the information or testimony of someone who might have an ax to grind on matters of politics. I wrote to the Reverend C. F. Strutz, of the North Dakota Conference of the Evangelical Church. He answered as follows:

NORTH DAKOTA CONFERENCE
OF THE EVANGELICAL CHURCH,
January 6, 1942.

Hon. DENNIS CHAVEZ,
Member, United States Senate,
Washington, D. C.

DEAR SENATOR: Your inquiry regarding the personal character of Senator WILLIAM A. LANGER at hand, and in response would say: (1) That I am not now and never have been in politics except as any public-spirited citizen is interested in clean politics and public welfare; (2) that I have not always favored the policies of Senator LANGER and have even opposed him at times, sharply criticizing some of his actions; especially did I disapprove of some of his associates who have now turned against him.

I think I can honestly say, therefore, that I am not prejudiced in his favor, but having said this, I want to add that I have known Mr. LANGER since the spring of 1918, when I came to Bismarck, and have had dealings with him at different times in various ways since then and have always found him fair, honest, courteous, and helpful.

He has always been the friend and champion of the downtrodden and oppressed. He has many faults, but I am speaking my honest convictions when I say that I believe he stands much higher in moral character than many of his political foes who desire to bring about his expulsion. He has many fine personal qualities of character, and I know that his family life is beautifully affectionate.

I believe it would not only be a disgrace to expel him but a tragedy as well, for I honestly think he would represent our State ably and effectively if given a fair chance.

I have confidence that our Senate will rise above the petty politics of small politicians and give the Senator and the people of North Dakota a square deal by voting to seat their chosen representative.

Very truly yours,

C. F. STRUTZ.

Mr. President, along the same line a clergyman by the name of Seibel, in answer to a letter, wrote me from Bowdon, N. Dak., as follows:

BOWDON, N. DAK., *January 5, 1942.*

Mr. DENNIS CHAVEZ,
United States Senator,
United States Senate,
Washington, D. C.

Hon. Senator CHAVEZ: I just received your very important letter and now I have opportunity to write to some honest soul in the Senate concerning the pending case against Senator WILLIAM LANGER

I shall answer this letter as though I were standing before the courts of the most high for men will have to give account for every word they speak.

I am acquainted with Senator LANGER personally for a good many years. Prior to our acquaintance I heard many questionable stories about Mr. LANGER, so that my opinion of him was of inferior quality. But how different I have found him to be.

I first met Mr. LANGER when he was attorney general of North Dakota. In later years he became Governor of this State, and he proved to me that he was the poor people's friend and sympathetic feeling toward the aged, crippled, orphans, and widows. His favoritism toward these unfortunate ones gave him many enemies among the capitalists In spite of the fact that a great deal of money is spent to impeach Senator LANGER, the people who voted for Mr. LANGER into this honorable position are hoping they will not succeed in doing this.

During the years 1937 and 1938 it was my privilege to become more closely associated with Mr. LANGER as Governor of this State, while I served as a member on the State Pardon Board. Here I had the opportunity to work with him. I observed him closely and found him to be a gentleman in every way. During his term of office he saved the farmers millions of dollars by placing an embargo on grain and a moratorium on real estate and personal property. Many poor people's homes were saved in this way and the wealthy fear that he will continue to favor the poor while serving as Senator. The people still have the same confidence in him that they had when they voted for him. Should he be impeached and sent home, I feel sure that he will again return to the Senate by the vote of the common people.

Hoping that the Almighty will guide in this so important matter is the wishes of your humble servant. I remain,

Sincerely yours,

J. H. SEIBEL.

I have a letter from a former justice of the Supreme Court of the State of North Dakota, who, I believe, would be most anxious to punish anyone who was guilty. His letter is as follows:

GRAND FORKS, N. DAK., *February 28, 1942.*

Hon. DENNIS CHAVEZ,
United States Senator,
Washington, D. C.

MY DEAR SENATOR: It will not be denied that North Dakota is entitled to be represented in the United States Senate. I desire to say a favorable word for WILLIAM LANGER,

our United States Senator from North Dakota.

It is my understanding that the Committee on Elections and Privileges seeks to disqualify our Senator from North Dakota upon the ground, generally speaking, that he is not morally fit to hold the office.

This action, if exercised, will have the effect of removing Senator LANGER from his office as United States Senator, and virtually will amount to his impeachment by the United States Senate without trial, and without those usual rights being accorded to a Senator which are recognized as fundamental in any criminal trial of a defendant for committing any crime.

Senator LANGER already has been our Senator from North Dakota with a recognized seat in your body now for over 1 year. He is not charged with the commission of any crime, and is not on trial before the United States Senate for treason, bribery, or any other high misdemeanor as specified in our Constitution providing for removal of civil officers of the United States. Already Senator LANGER has heretofore had his trial in North Dakota before our Federal court for the commission of a Federal offense, and after trial in the ordinary course of law, he has been found innocent, so that his record before your body is that of a man who is innocent of a Federal offense upon which he was charged and tried before our Federal court in our State.

I have known Senator LANGER practically since his boyhood This dates from the time when, as a student, he took law from me when I was instructor on real property at the University Law School of North Dakota.

I know personal charges have ofttimes been hurled at Senator LANGER in his campaigns, but in spite of such political charges the voters have repeatedly elected him to offices such as attorney general for two terms, and as Governor of our State for two terms.

Senator LANGER and his outstanding family have been a credit and honor to our State, and I do not think there is any question that the moral conduct of Senator LANGER has been anything but most exemplary.

In 1917 and 1918 the undersigned was first assistant attorney general, serving as such in the office of the attorney general at Bismarck, N. Dak In 1918 the undersigned was elected as associate justice of our supreme court, and later became chief justice of our supreme court, from which office he voluntarily retired in the year 1924 to engage in the practice of law at Grand Forks, N. Dak. At this time he is now president of the State Bar Association of North Dakota for the ensuing year.

During all the years that I have been acquainted with Senator LANGER I have been impressed with his sincerity of purpose and with the high native ability he possesses. There are many times when I have disagreed with his policies. There can be little question but that Senator LANGER possesses the personal ability to serve well as representative from North Dakota in the United States Senate. Personally, I know that for a great many years Senator LANGER has been a great friend of the poor and distressed. He believes in a fair deal for everyone.

In the first World War he made a fine record in support of our Government. It is my belief that in the existing war emergency now confronting us, Senator LANGER will become a strong supporter of our Government and its activities, as we all must be, and should be, in order that this present war be won and our democracy preserved for us.

I simply request your careful consideration of the subject matter of qualifications of our Senator WILLIAM LANGER to continue as our Senator from North Dakota. I have faith in the fairness and justice of the United States Senate which you, as a Member, do honor.

I beg to remain,

Respectfully yours,

HARRISON A. BRONSON.

The PRESIDING OFFICER (Mr. MCFARLAND in the chair). The time of the Senator from New Mexico has expired.

The question is on the amendment of the Senator from Rhode Island [Mr. GREEN] to the first resolving clause of Senate Resolution 220.

Mr. MURDOCK. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MURDOCK. If the Senate votes down the amendment proposed by the Senator from Rhode Island [Mr. GREEN] to the original resolution, which, as I understand, would indicate that a majority of the Senators favor expulsion by two-thirds rather than exclusion by a majority, would we not then be in the same position in which we were before the amendment was voted on at all, and would we not then be called upon to vote on the original resolution as now drafted, which again presents the very same question?

The PRESIDING OFFICER. On the first provision of it because heretofore, upon request of the Senator from Rhode Island, the two branches of the resolution were separated

Mr. MURDOCK. I understand that, but my question is, if we vote down the amendment of the Senator from Rhode Island [Mr. GREEN], which of course would indicate that the Senate insists on a two-thirds vote to expel Senator LANGER would we not then be called upon to vote on the question again under the original resolution?

The PRESIDING OFFICER. On the first provision of it; yes.

Mr. MURDOCK I am wondering, Mr. President, why we could not by unanimous consent substitute the amendment of the Senator from Rhode Island [Mr. GREEN] under the first resolve in the resolution, so that after the one vote on that the matter of the two-thirds vote would be settled.

Mr. OVERTON. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. OVERTON. If we vote in favor of the pending amendment offered by the Senator from Rhode Island [Mr. GREEN], then a majority vote may exclude the Senator from North Dakota. Is that correct?

The VICE PRESIDENT. That is correct.

Mr. OVERTON. If, upon the other hand, we vote down the amendment of the Senator from Rhode Island, it will then require a two-thirds vote to unseat Mr. LANGER.

The VICE PRESIDENT. In that case, the vote would recur on the provision of the original resolution.

Mr. OVERTON. And that would require a two-thirds vote to unseat.

Mr. TAFT. Mr. President, if the Senator will yield, it seems to me that the effect of voting down the Green amendment would be to restore lines 1 to 5 of the original resolution, which comes back to the same thing as the Green amendment. I agree with the Senator from Utah that the proper procedure is to get unanimous consent for the Senator from Rhode Island in effect to amend the first branch of the resolution before we vote on it, and get that in the form in which he wants it to be, then let us vote on that, the first paragraph, then divide the question and vote on the second paragraph.

Mr. BARKLEY. Mr. President, I have thought all along, and have so expressed myself privately, that there was no need in the beginning to have these two resolutions yoked up together as one. The simplest plan would be to vote on the Green proposition as an independent motion, not simply as a substitute for some language in the committee resolution, because the object of voting on two propositions which are separate is in order that there may not have to be a vote on either one of them again. When we vote on one, by that vote we settle the question. In order to do that, it would be necessary to strike out the first part of the committee resolution altogether, and vote on the amendment as an independent motion, which would settle the question of two-thirds or a majority, and then, based upon that determination, we would vote on the question of exclusion or expulsion. That could only be done by offering this amendment as an independent proposal, and not simply as a substitute for the first part of the resolution.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MURDOCK. The purpose the Senator wants to achieve is exactly the same as mine. Once we vote on the question of a majority or two-thirds, it will be settled, and we will not again have to recur to it.

Mr. BARKLEY. I do not see any need of voting twice on the question whether it is to be a majority or a two-thirds vote. If we adopt the Green amendment, we simply substitute it for the first part of the committee resolution, and then we have to vote on the committee resolution as a whole, and we will again be voting on the question of two-thirds or a majority hooked up with the question whether Mr. LANGER shall be seated. It is entirely conceivable that Senators may vote for or against seating the Senator who would vote the other way on this particular proposition, and the two should not be tied together.

Mr. CONNALLY. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. Could not the Senator from Kentucky obviate that difficulty by a unanimous-consent agreement that the Green amendment shall be accepted as to section 1, and that then the Senate shall take a separate vote?

Mr. BARKLEY. Yes; that could be done; in other words, by unanimous consent we could eliminate the first part of

the committee resolution and substitute the proposed amendment for it.

Mr. CONNALLY. That is the point.

Mr. BARKLEY. And then vote separately on this proposal.

Mr. CONNALLY. But there must be a severance if we are to vote separately.

Mr. CLARK of Missouri. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. While I do not think the Green amendment, if adopted, would be efficacious, it is certainly designed to determine the question of the vote on the second part of the resolution—that WILLIAM LANGER is not entitled to his seat. In other words, if the Green amendment should be adopted, it would then be claimed that that is determinative of the question whether the second resolve requires a majority or two-thirds vote.

Mr. BARKLEY. That is true. Of course, that is what we are trying to settle now—whether, in voting on the second part of the resolution, the Senate shall decide the question by two-thirds or a majority. These two proposals could have been brought in by the committee as separate resolutions. It was not necessary to join them. They could have been offered separately.

Mr. CLARK of Missouri. I understand that thoroughly, but they were joined together because the committee thought they would make themselves stronger.

Mr. BARKLEY. I do not know about that.

Mr. CLARK of Missouri. Now they are trying to separate them because they do not think it makes them stronger.

Mr. BARKLEY. The committee was following a precedent in a previous case in joining the two parts.

Mr. LA FOLLETTE. Mr. President, the question has already been decided, and is not now at issue. It seems to me that assuming that the amendment offered by the Senator from Rhode Island on March 23 represents the majority view of the Committee on Privileges and Elections, we could resolve this parliamentary complication by the Senator from Rhode Island asking unanimous consent to modify the committee's resolution, in the first resolve, in the terms of his amendment offered on March 23. Then, under the provision for a division, we would vote on the modified resolution first.

Mr. BARKLEY. That can be done, but the point was raised that even after passing on the first part of the resolution, determining whether a majority or two-thirds was required, we would have a vote on the last resolution, which would in effect be voting again on that part of it.

The VICE PRESIDENT. No decision having yet been arrived at, the Senator from Rhode Island has the right, on behalf of the committee, to modify the resolution.

Mr. GREEN. Mr. President, as I made the report for the committee, there were two parts to the resolution. First, I offered an amendment in the form of a substitute for the original resolution, and asked that the two parts of it be voted on separately. The latter request was forthwith agreed to, so it is already agreed that the two parts shall be voted on separately.

The VICE PRESIDENT. Does the Senator desire to modify the first provision?

Mr. GREEN. I am perfectly willing to, if that will make it easier. I understood that had already been done.

Mr. BARKLEY. If the Senator will permit, I suggest that he has the right to modify his original resolution.

Mr. GREEN. Certainly.

Mr. BARKLEY. It would simplify it merely to strike out of the original resolution all down to and including line 5, and substitute the three lines in his amended resolution for that part, and that would be what we would have a separate vote on.

Mr. GREEN. That was my original proposition.

Mr. BARKLEY. No; the Senator offered it in the form of an amendment.

Mr. GREEN. I ask unanimous consent to make the modification myself.

The VICE PRESIDENT. The Senator does not have to ask unanimous consent; he has the right to make the modification.

Mr. GREEN. I do make that modification, then.

The VICE PRESIDENT. In that case, the question is on the first provision as modified.

The VICE PRESIDENT. Without objection, the amendment offered by the Senator from Louisiana [Mr. OVERTON], as modified, in the nature of a substitute for Senate Resolution 220, will be withdrawn.

Mr. CONNALLY. Mr. President, I desire to say to the Senator from Kentucky that it is with the distinct understanding that we have a right to ask for a division.

Mr. BARKLEY. That has already been granted.

Mr. McNARY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. I had worked that out with the aid of the Parliamentarian in what I thought was a simpler form, but I shall not propose it, inasmuch as there has been so much controversy, and now, accepting the present proposal, do I understand that it reads—

Resolved, That the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion by a two-thirds vote?

That would be the first vote, and a vote in favor of requiring a two-thirds vote should be "No." Is that correct?

The VICE PRESIDENT. The Senator is inquiring as to whether a majority vote would determine?

Mr. McNARY. I am asking if a majority should vote "no" on the pending motion, would a two-thirds vote then be required to expel the Senator from North Dakota? Is that the interpretation?

The VICE PRESIDENT. The Chair would prefer to submit that question to the Parliamentarian.

Mr. BARKLEY. It seems to me it is obvious that the Senator's inquiry must be answered in the affirmative. If we vote down a resolution which says the case does not fall within the two-thirds provision, then, of course, that vote automatically results in the fact that it does require two-thirds. So a vote "nay" on this resolution is a vote for two-thirds. A vote "yea" is a vote to determine the matter by a majority.

The VICE PRESIDENT. That seems obvious.

Mr. LA FOLLETTE. I ask that the resolution upon which we are now about to vote may be stated by the reading clerk.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read as follows:

Resolved, That the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion by a two-thirds vote.

Mr. McNARY. Mr. President, renewing my inquiry, and finally, I put it this way, if in my opinion it requires more than a majority vote, my vote will be "no"?

The VICE PRESIDENT. That is correct.

Mr. ELLENDER. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	O'Mahoney
Andrews	Glass	Overton
Austin	Green	Pepper
Bailey	Guffey	Radcliffe
Ball	Gurney	Reed
Bankhead	Hayden	Reynolds
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bone	Holman	Schwartz
Brewster	Hughes	Shipstead
Brooks	Johnson, Calif.	Smith
Brown	Johnson, Colo.	Spencer
Bulow	Kilgore	Stewart
Burton	La Follette	Taft
Butler	Langer	Thomas, Idaho
Byrd	Lee	Thomas, Okla.
Capper	Lucas	Thomas, Utah
Caraway	McCarran	Tobey
Chandler	McFarland	Truman
Chavez	McKellar	Tunnell
Clark, Idaho	McNary	Vandenberg
Clark, Mo.	Maloney	Van Nuys
Connally	Maybank	Walsh
Danaher	Mead	Wheeler
Davis	Millikin	White
Doxey	Murdock	Wiley
Ellender	Murray	Willis
George	Nye	
Gerry	O'Daniel	

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

Mr. LA FOLLETTE. Mr. President, from private conversation with a number of Senators I have come to the conclusion that there is still confusion with regard to the effect of this vote, and therefore I propound the following parliamentary inquiry: If a majority of the Senate should vote in the affirmative upon the pending question, would it then require a majority vote only to exclude Senator LANGER from his seat?

The VICE PRESIDENT. That is correct. An affirmative vote means that a majority vote may exclude.

Mr. LA FOLLETTE. And if a majority of the Senate votes in the negative on the pending question, it then follows that a two-thirds vote will be required to exclude the Senator from North Dakota; is that correct?

The VICE PRESIDENT. That is correct.

Mr. BANKHEAD. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BANKHEAD. This question, of course, is evidently complicated and has confused a number of Senators. I wish to know if the question could not be put straight before the Senate by a resolution providing that Senator LANGER is entitled to his seat in the Senate as a Senator from North Dakota. If so, it would simplify the situation. It would then not be divided into the two questions, whether we shall vote under a two-thirds rule or a majority rule, but it would give the Senate the opportunity to determine in an affirmative way, if the majority feels that way, that Senator LANGER is entitled to his seat, and would negative the proposal for a two-thirds vote. It would settle both questions in one vote. If I can get unanimous consent, I should like to have it.

The VICE PRESIDENT. The Senator from Alabama has requested unanimous consent——

Mr. BANKHEAD. Do I need unanimous consent? Would not a substitute be in order to the effect that Senator LANGER is entitled to his seat?

Mr. LUCAS. I am constrained to object, because we have gone all over the parliamentary situation, and I believe everyone understands it.

Mr. BANKHEAD. I withdraw my request.

The VICE PRESIDENT. The yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Maryland [Mr. TYDINGS] and vote. I vote "yea." I am not informed how the Senator from Massachusetts or the Senator from Maryland would vote if present.

Mr. KILGORE (when his name was called). I have a pair with the senior Senator from Nebraska [Mr. NORRIS]. I transfer that pair to the Senator from New Mexico [Mr. HATCH], who, I am informed, if present and voting, would vote "yea," and will vote. I vote "yea."

Mr. McNARY (when Mr. NORRIS' name was called). I announce that the Senator from Nebraska [Mr. NORRIS] is absent because of illness. If he were present, he would vote "nay" on this question.

Mr. REED (when his name was called). I have a general pair with the senior Senator from New York [Mr. WAGNER]. I am informed that the Senator from New York is willing that I be released from that pair on this vote. Therefore, I will vote. I vote "yea."

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES] who is still ill and confined to the hospital. If I were at liberty to vote, I should vote "nay", and if the Senator from New Hampshire were present he would vote "yea."

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY] and the Senator from Washington [Mr. WALLGREN] are holding hearings in western States on matters pertaining to national defense.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. BUNKER], the Senator from New Jersey [Mr. SMATHERS], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Maryland [Mr. TYDINGS] has been called to his home State on important public business.

The Senator from Mississippi [Mr. BILBO] is paired with the Senator from New Jersey [Mr. SMATHERS]. I am advised that if present and voting, the Senator from Mississippi would vote "yea", and the Senator from New Jersey would vote "nay."

The result was announced—yeas 37, nays 45, as follows:

YEAS—37

Andrews	George	Murray
Austin	Gillette	O'Mahoney
Ball	Glass	Pepper
Bankhead	Green	Radcliffe
Barbour	Guffey	Reed
Barkley	Gurney	Russell
Bulow	Hayden	Stewart
Burton	Hughes	Truman
Butler	Kilgore	Tunnell
Byrd	Lee	Van Nuys
Caraway	Lucas	Wiley
Chandler	Maybank	
Doxey	Mead	

NAYS—45

Aiken	Herring	Reynolds
Bailey	Hill	Rosier
Bone	Holman	Schwartz
Brewster	Johnson, Calif.	Shipstead
Brooks	Johnson, Colo.	Smith
Brown	La Follette	Spencer
Capper	McCarran	Taft
Chavez	McFarland	Thomas, Idaho
Clark, Idaho	McKellar	Thomas, Okla.
Clark, Mo.	McNary	Tobey
Connally	Maloney	Vandenberg
Danaher	Millikin	Walsh
Davis	Murdock	Wheeler
Ellender	O'Daniel	White
Gerry	Overton	Willis

NOT VOTING—14

Bilbo	Langer	Thomas, Utah
Bridges	Lodge	Tydings
Bunker	Norris	Wagner
Downey	Nye	Wallgren
Hatch	Smathers	

So the first branch of the committee resolution was rejected.

The VICE PRESIDENT. The question now is on the second branch of the resolution, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, That WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SMITH. Is a two-thirds vote necessary on this question?

The VICE PRESIDENT. The resolution as it reads is merely:

Resolved, That WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. As I understand, Senators who are of the view that Senator LANGER is entitled to a seat should vote "nay"?

The VICE PRESIDENT. That is correct.

Mr. MURDOCK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSON of California. Mr. President, as I understood the Senator from Kentucky, he held that, if we should adopt the first part of the resolution, automatically the judgment would be rendered.

Mr. BARKLEY. No. I said that if the first part of the resolution were agreed to, then automatically that would result in a majority vote only being necessary; but if it were defeated, automatically a two-thirds vote would be required on the second part of the resolution.

Mr. CLARK of Missouri. Mr. President, I move as an amendment to Senate resolution 220, in line 6, to strike out the word "not."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, that changes the nature of the vote. The answer to the inquiry of the Senator from Oregon is now reversed.

The VICE PRESIDENT. That is correct.

Mr. BARKLEY. Senators who desire to seat Senator LANGER should now vote "yea," and those who desire not to seat him should vote "nay."

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK of Missouri. As I understand, my amendment has been disposed of.

The VICE PRESIDENT. The amendment has been disposed of. The Senator from Kentucky is merely clearing the minds of Senators with regard to the statement made by the Senator from Oregon [Mr. McNARY].

Mr. TAFT. Mr. President, I move that the vote by which the amendment offered by the Senator from Missouri was agreed to be reconsidered. It seems to me that this is a resolution to expel, which requires a two-thirds vote; and if we turn it around and declare that he is entitled to a seat, how are we to know what percentage of the vote will be required? It seems to me that the language of the resolution to expel must be in accordance with the Constitution. That is why I move that the vote by which the amendment offered by the Senator from Missouri was agreed to be reconsidered.

Mr. CLARK of Missouri. Mr. President, so far as I am concerned, I agree with the suggestion of the Senator from Ohio. I shall vote for the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio [Mr. TAFT] to reconsider the vote by which the amendment

offered by the Senator from Missouri [Mr. CLARK] was agreed to.

The motion was agreed to.

Mr. CLARK of Missouri. Mr. President, I withdraw my amendment.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. As I understand, the answer to my inquiry is now the same as that originally given by the Chair, that is, that those who desire that Senator LANGER be seated should now vote "nay."

The VICE PRESIDENT. That is correct; those who desire that Senator LANGER be seated should vote "nay."

The question now is on the second branch of the resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. LODGE]. I am not advised how he would vote if he were present. I transfer that pair to the Senator from Maryland [Mr. TYDINGS] and will vote. I vote "yea." I am not advised how the Senator from Maryland would vote if he were present.

Mr. KILGORE (when his name was called). I have a pair with the Senator from Nebraska [Mr. NORRIS]. I transfer that pair to the Senator from New Mexico [Mr. HATCH] who, I am informed, if present and voting, would vote "yea," and will vote. I vote "yea."

The roll call was concluded.

Mr. THOMAS of Utah. I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES], who, if he were present, would vote "yea." If I were at liberty to vote I should vote "nay."

Mr. McNARY. Referring to my former statement concerning the absence of the senior Senator from Nebraska [Mr. NORRIS], if he were present he would vote "nay."

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY] and the Senator from Washington [Mr. WALLGREN] are holding hearings in Western States on matters pertaining to national defense.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. BUNKER], the Senator from New Jersey [Mr. SMATHERS], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Maryland [Mr. TYDINGS] has been called to his home State on important public business.

The Senator from Mississippi [Mr. BILBO] is paired with the Senator from New Jersey [Mr. SMATHERS]. I am advised that if present and voting, the Senator from Mississippi would vote "nay," and the Senator from New Jersey would vote "yea."

The result was announced—yeas 30, nays 52, as follows:

YEAS—30

Andrews	Barkley	Caraway
Austin	Burton	Chandler
Ball	Butler	Doxey
Barbour	Byrd	George
Glass	Lucas	Reed
Green	Maloney	Stewart
Guffey	Maybank	Truman
Gurney	Mead	Tunnell
Kilgore	Murray	Vandenberg
Lee	O'Mahoney	Wiley

NAYS—52

Aiken	Hayden	Reynolds
Bailey	Herring	Rosier
Bankhead	Hill	Russell
Bone	Holman	Schwartz
Brewster	Hughes	Shipstead
Brooks	Johnson, Calif.	Smith
Brown	Johnson, Colo.	Spencer
Bulow	La Follette	Taft
Capper	McCarran	Thomas, Idaho
Chavez	McFarland	Thomas, Okla.
Clark, Idaho	McKellar	Tobey
Clark, Mo.	McNary	Van Nuys
Connally	Millikin	Walsh
Danaher	Murdock	Wheeler
Davis	O'Daniel	White
Ellender	Overton	Willis
Gerry	Pepper	
Gillette	Radcliffe	

NOT VOTING—14

Bilbo	Langer	Thomas, Utah
Bridges	Lodge	Tydings
Bunker	Norris	Wagner
Downey	Nye	Wallgren
Hatch	Smathers	

So the second branch of the resolution—Senate Resolution 220—was rejected.

Mr. CONNALLY. Mr. President, I move that the vote by which the resolution was rejected be reconsidered.

Mr. McNARY. I move that the motion of the Senator from Texas to reconsider be laid on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oregon to lay on the table the motion of the Senator from Texas to reconsider the vote by which the resolution was rejected.

The motion to lay on the table was agreed to.

PROVISION OF HOUSING IN CONNECTION WITH NATIONAL DEFENSE

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 6483) to amend the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ELLENDER, Mr. PEPPER, Mr. CHAVEZ, Mr. LA FOLLETTE, and Mr. TAFT conferees on the part of the Senate.

APPROPRIATIONS FOR CIVIL FUNCTIONS OF WAR DEPARTMENT—CONFERENCE REPORT

Mr. THOMAS of Oklahoma submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6736) making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following: "without the specific approval of the Secretary of War"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 2.

ELMER THOMAS,
CARL HAYDEN,
JOHN H. OVERTON,
RICHARD B. RUSSELL,
JOSIAH W. BAILEY,
Managers on the part of the Senate.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
GEORGE MAHON,
D. LANE POWERS,
ALBERT J. ENGEL,
FRANCIS CASE,
Managers on the part of the House.

The report was agreed to.

The Vice President laid before the Senate a message from the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 27, 1942.

Resolved, That the House insist upon its disagreement to the amendment of the Senate numbered 2 to the bill (H. R. 6736) making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes.

Mr. THOMAS of Oklahoma. I move that the Senate further insist on its amendment numbered 2, now in disagreement, request a further conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. THOMAS of Oklahoma, Mr. HAYDEN, Mr. OVERTON, Mr. RUSSELL, Mr. BAILEY, Mr. REYNOLDS, Mr. BRIDGES, and Mr. LODGE conferees on the part of the Senate at the further conference.

Mr. BROWN. Mr. President, let me ask the Senator from Oklahoma if the appropriation carries the item for the Soo Locks.

Mr. THOMAS of Oklahoma. The conference report is on the War Department civil-functions bill. The House and Senate have reached an agreement with respect to all amendments except one, which is in disagreement, and the Senate has just ordred it referred to a further conference.

Mr. BROWN. What item is in disagreement?

Mr. THOMAS of Oklahoma. The amendment known as number 2, which covers, I think, six items. However, the item in which the Senator from Michigan is interested has been agreed to.

Mr. BROWN. I thank the Senator.

MRS. EDDIE A. SCHNEIDER—CONFERENCE REPORT

Mr. BROWN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5290) for the relief of Mrs. Eddie A. Schneider, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows: In lieu of the figures "$5,000" insert "$7,500"; and the Senate agree to the same.

PRENTISS M. BROWN,
ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

DAN R. MCGEHEE,
EUGENE J. KEOGH,
Managers on the part of the House.

The report was agreed to.

ESTATE OF MRS. EDNA B. CROOK—CONFERENCE REPORT

Mr. BROWN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4557) for the relief of the estate of Mrs Edna B. Crook, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

PRENTISS M. BROWN,
LLOYD SPENCER,
ARTHUR CAPPER,
Managers on the part of the Senate.

DAN R. MCGEHEE,
EUGENE J. KEOGH,
Managers on the part of the House.

The report was agreed to.

STRIKES IN WAR PRODUCTION PLANTS AND FREEZING OF LABOR CONDITIONS

Mr. CONNALLY. Mr. President, as soon as I can secure a favorable opportunity, it is my purpose to move that the Senate proceed to the consideration of Senate bill 2054, a bill introduced by me, reported favorably by the Committee on the Judiciary, and now on the calendar, relating to strikes and the freezing of labor conditions.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States, submitting several nominations in the Army, which was referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Capt. Clifford E. Van Hook to be a rear admiral in the Navy for temporary service, to rank from the 28th day of November 1941.

By Mr. MCKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Guy W. Ray to be consul.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk read the nomination of R. Franklin Bogenrief to be postmaster at Hinton, Iowa.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Anastatia E. Walsh to be postmaster at Larchwood, Iowa.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE NAVY

The legislative clerk read the nomination of Monroe Kelly to be rear admiral.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE MARINE CORPS

The legislative clerk read the nomination of John Marston to be major general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Alexander A. Vandegrift to be major general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the President be immediately notified of all nominations confirmed today.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

ARMY NOMINATIONS REPORTED AND CONFIRMED

Mr. CHANDLER. Mr. President, I report favorably from the Committee on Military Affairs a number of nominations in the Army. I have consulted the majority leader and the minority leader, and there is no objection to immediate consideration, and I therefore ask that the nominations be considered at this time.

The VICE PRESIDENT. Is there objection to immediate consideration? The Chair hears none, and the clerk will state the nominations.

The legislative clerk read the nomination of Brig. Gen. Dwight David Eisenhower to be major general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Thomas Troy Handy to be brigadier general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of St. Clair Streett to be brigadier general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William Morris Hoge to be brigadier general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George Bowditch Hunter to be brigadier general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Arthur Bee McDaniel to be brigadier general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. CHANDLER. I ask unanimous consent that the President be immediately notified of these confirmations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the President will be notified forthwith.

ADJOURNMENT TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate adjourn until 12 o'clock noon Monday next.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until Monday, March 30, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate March 27 (legislative day of March 5), 1942:

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE MAJOR GENERAL

Brig. Gen. Dwight David Eisenhower (lieutenant colonel, Infantry), Army of the United States.

TO BE BRIGADIER GENERAL

Col. Thomas Troy Handy (lieutenant colonel, Field Artillery), Army of the United States.

Col. St. Clair Streett (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. William Morris Hoge (lieutenant colonel, Corps of Engineers), Army of the United States.

Col. George Bowditch Hunter, Cavalry.

Col. Arthur Bee McDaniel (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 27 (legislative day of March 5), 1942:

DIPLOMATIC AND FOREIGN SERVICE

Guy W Ray to be a consul of the United States of America.

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE MAJOR GENERAL

Dwight David Eisenhower

TO BE BRIGADIER GENERALS

Thomas Troy Handy
St. Clair Streett
William Morris Hoge
George Bowditch Hunter
Arthur Bee McDaniel

PROMOTION IN THE NAVY

Monroe Kelly to be rear admiral for temporary service.

MARINE CORPS

To be major generals for temporary service from March 20, 1942

John Marston
Alexander A. Vandegrift

POSTMASTERS

IOWA

R. Franklin Bogenrief, Hinton
Anastatia E. Walsh, Larchwood.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 27, 1942

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, we lift up our hearts to Thee; hear our prayer in Thy dwelling place, and when Thou hearest, forgive. Back of the call of the human soul is the King of Glory who came from the heights of an infinite throne to the crimson depths of the cross that He might put into our breasts the rhythm of unearthly peace. Enable us to touch even the rim of that other worldliness that breaks through the spirit of a narrow vision and gathers up our motives and endeavors and bears them to the throne of grace.

Oh, that the quiet, solemn influence of these days might inspire men to lay their ambitions, their opportunities, and the needs of their souls at the footstool of divine sovereignty. His profound grief burst from His lips as He looked tearfully upon the city that would soon be prostrated in the dust of the oppressor. O Thou who art clothed with the royalty of the eternities and waiting with matchless patience, lift us into the upper spaces of spiritual aspiration. At Thine altar may we rededicate ourselves to the loyal service of the Master who came to bind up the brokenhearted, to proclaim liberty to the captives, and to open the prison to them that are bound. O Thou chosen Son of the living God, fling Thy light across the soul of this sick world that it may turn to Thee, live like Thee, and work with Thee. In our blessed Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 5784. An act to consolidate the police and municipal courts of the District of Columbia, and for other purposes; and

H. R. 6005. An act to authorize cases under the Expediting Act of February 11, 1903, to be heard and determined by courts constituted in the same manner as courts constituted to hear and determine cases involving the constitutionality of acts of Congress.

EXTENSION OF REMARKS

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a copy of A Surgeon's Prayer in Wartime, by Col. John J. Moorehead, of the Army Medical Corps, written by him on Christmas night at the Tripler General Hospital in Honolulu.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BECKWORTH. Mr. Speaker, I have two requests: To revise and extend my remarks and to include some letters with reference to farm labor, and to extend my remarks with reference to the charging of fees by unions, and to include excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a circular letter written by myself.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LUDLOW. I desire to submit two requests: First, to extend my own remarks in the RECORD and to include two resolutions by the Indianapolis Newspaper Guild; and, second, to extend my remarks and include a telegram from Katharine Hepburn, the movie actress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WHERE IS THE MONEY GOING?

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McGREGOR. Mr. Speaker, in checking the record I find that in the first 263 days of the fiscal year 1941, up to March 20, the administration has spent $19,000,000,000, or an average of more than $70,000,000 per day, $2,916,666 per hour, $48,611 per minute. On March 20, 1942, expenditures were $138,000,000 per day, $5,149,200 per hour, $85,820 per minute.

If this money is for national defense and is spent wisely, the people will bear the burden without a murmur. But is it being spent wisely? Let us look at the record.

First. Excess profits on war contracts. Mr. W. S. Jack, president of Jack & Heintz, Inc., of Bedford, Ohio, makers of airplane parts, testified under oath that his company had paid out $600,000 in bonuses during last year. Adeline Bowman, secretary to the president of this company, testified that she had received in bonuses $18,295 for the first 10 weeks of this year. And all the money came from the Government.

Second. Nonessential expenditures: The records show that the Office of Civilian Defense has 69 sports coordinators to teach the people badminton, archery, billiards, code ball, miniature golf, marbles, bowling, bag punching, canoeing, and weight lifting.

In behalf of the people of the Seventeenth District of Ohio, I raise my voice in criticism and protest against this wasteful expenditure of money. Let us find out who is responsible for this waste and see that it is stopped immediately.

[Here the gavel fell.]

USE OF COPPER BY RURAL ELECTRIFICATION ADMINISTRATION

Mr. FADDIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FADDIS. Mr. Speaker, on March 5, 1942, Special Committee No. 3 of the House Committee on Military Affairs published a report of its investigations regarding the R. E. A. and copper. This report raised somewhat of a storm of criticism at that time, but I rise now to call the attention of the House to the fact that Mr. Nelson has banned copper to the R. E. A. for the duration of the war, and has cut 3,200 tons from the allocated supplies. Mr. Speaker, I feel that the judgment of the committee has been vindicated in this respect.

[Here the gavel fell.]

SIXTH SUPPLEMENTAL DEFENSE APPROPRIATION BILL

Mr. CANNON of Missouri, from the Committee on Appropriations, reported the bill (H. R. 6868) making additional appropriations for the national defense for the fiscal year ending June 30, 1942, and for other purposes (Rept. 1976) which was read a first and second time and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. TABER. Mr. Speaker, I reserve all points of order against the bill.

TO INCREASE FLYING HOURS OF AIR PILOTS

The SPEAKER. The Chair recognizes the gentleman from North Carolina [Mr. BULWINKLE].

Mr. BULWINKLE. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce I ask unanimous consent for the immediate consideration of the bill (H. R. 6799) to increase the monthly maximum number of flying hours of air pilots, as limited by the Civil Aeronautics Act of 1938, because of the military needs arising out of the present war.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HALLECK. Mr. Speaker, reserving the right to object, I take it that the gentleman will make an explanation of the bill. There are a few suggestions that I would like to make in connection with it.

Mr. BULWINKLE. I will be glad to make an explanation.

The facts are these. There are a number of pilots on the civil aviation lines and the War Department is desirous of having these pilots or some of them for ferrying planes and for other purposes; therefore in order to do that without detriment to the service, the number of flying hours is increased from 85 to 100 a month. That will release, I think, about 240 pilots.

Mr. HALLECK. Mr. Speaker, further reserving the right to object, and I do not intend to object, because I think this bill should be adopted; but I would like to say to the membership, as the gentleman from North Carolina has pointed out, this bill seeks the amendment of section 401, subsections (1) (l) of the Civil Aeronautics Act of 1938. That act incorporated by reference the so-called Decision 83 of the National Labor Board rendered in 1934. The issue involved was in an action by the air-line pilots over wages.

In making this decision the Labor Board found that the maximum number of hours to be flown by a commercial air-line pilot in any 1 month should be 85, and it is that limitation which the bill seeks to change. It will release a number of pilots for military service. At this point, in order that the House may understand it, I want to say that the limitation of 85 hours was to prevent technological unemployment rather than to prevent unsafe conditions of operation on the air lines, and in support of that I read from the decision:

> The industry is on the threshold of technological improvements which will greatly accelerate the speed of airplane travel and which may result in some technological unemployment. The increase of speed will either greatly increase the mileage covered by the pilots or materially reduce their monthly hours of employment.

There is no question but what the Army needs trained flyers and it should have them if the interest of safety will not be adversely affected. I think it is clear that the interests of safety will not be affected.

At no time has any Government agency found that the 85-hour limitation is necessary in the interest of safety. The civil air regulations of the Civil Aeronautics Board provide 100 hours as the monthly maximum for pilots.

Just one thing more. When the representative of the Air Line Pilots Association was before the committee he said he did not have definite authority to make any commitments for his organization, but that the matter had been discussed, and it was not contemplated that the pilots would ask for anything other than straight time for the additional 15 hours of flying time that would be granted under the maximum that will be provided in this bill.

Mr. BULWINKLE. That is correct.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I think the bill is all right, and it is proper for the civilian pilots who are in the Reserve Corps to serve in this emergency. There is only one observation I care to make, however. I understand that a few of these civilian pilots, who are Reserve officers in the Army, have already been called into active service. Some of them have been called without giving adequate notice. In other words, I understand that in a few instances they were notified to report within 3 days.

Mr. BULWINKLE. That is a matter which should be taken up with the Committee on Military Affairs.

Mr. LUTHER A. JOHNSON. I thank the gentleman.

Mr. BULWINKLE. I wish to briefly make a statement about this legislation.

The provisions of this bill, H. R. 6799, are temporary in character and operative concurrently with the prosecution of the present war. The bill does not amend any of the provisions of existing law, but it does suspend for the duration of the war the limitation contained in the Civil Aeronautics Act of 1938, under which the maximum number of flying hours of air pilots is fixed at 85 hours per month.

This standard requirement of 85 flying hours per month for air pilots was fixed through a decision of the National Labor Board under date of May 10, 1934, which is identified as decision No. 83, of the National Labor Board. The provisions and terms of that decision as they affect air-line pilots were carried into statutory law by enactment of paragraph (1) of subsection (l) of section 401 of the Civil Aeronautics Act of 1938, which reads:

> Every air carrier shall maintain rates of compensation, maximum hours, and other working conditions and relations of all of its pilots and copilots who are engaged in interstate air transportation within the continental United States (not including Alaska) so as to conform with decision numbered 83 made by the National Labor Board on May 10, 1934, notwithstanding any limitation therein as to the period of its effectiveness.

This bill results from the voluntary offer of the pilot members of the Air Line Pilots Association, as their contribution to the Nation's war effort, to waive this provision of law relating to monthly maximum number of flying hours and consent to flying 15 additional hours per month, or a maximum of 100 flying hours per month, under regulations promulgated by the Civil Aeronautics Board.

During the hearings on this bill before the committee, Mr. David L. Behncke, president of the Air Line Pilots Association, stated on behalf of the pilot members of that association—

> The pilots feel they want to do what they can for their country in its hour of dire need, we are willing to defer the effects of the 85-hour limitation and to fly with no limitation on flights that are purely for military purposes for the duration of the war.

Brig. Gen. Donald H. Connolly, Military Director of Civil Aviation, has stated:

> The pilots are making a patriotic gesture by volunteering to work these extra hours.

Mr. Charles I. Stanton, Acting Administrator of the Civil Aeronautics Administration, has stated publicly that—

> Behncke didn't act on his own but consulted the pilots' unit representatives. The pilots approved it. Verbally and in writing we have received promises of their fullest cooperation, and I am sure that we can count upon it.

The bill provides for certain flexibility with regard to the extra 15 flying hours which the pilots agree to work. Authority is given to the Civil Aeronautics Board by regulations: First, to fix the maximum number of flying hours at less than the 100 hours provided for by the bill if the Board, after consultation with the Secretary of War and the Secretary of the Navy finds that, as to 1 or more air carriers, the flying of 100 hours is not required for military needs of the armed forces; and second, to authorize the flying beyond the maximum of 100 hours to such extent as may be found necessary to complete a particular flight for military purposes.

No opposition to the bill was expressed during the hearings before the committee. Unanimity of support has been expressed by the Civil Aeronautics Board, the Civil Aeronautics Administration, the Department of Commerce, the Army air forces, the Bureau of Aeronautics of the Navy, and the Bureau of the Budget.

The early enactment of the bill is of emergency importance to the prosecution of our war efforts. The committee recommends its prompt passage.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. BULWINKLE]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the maximum flying hours in interstate air transportation prescribed by paragraph (1) of section 401 (1) of the Civil Aeronautics Act of 1938, as amended, shall be 100 hours of flying per month: *Provided*, That, to the extent the Civil Aeronautics Board finds, after consultation with the Secretary of War and the Secretary of the Navy or their designated representatives, that the maximum hereinabove prescribed is not required by reasons of the military needs of the armed forces of the United States, the Board may fix, from time to time, by regulation applicable to 1 or more air carriers, the maximum flying hours at less than 100 hours: *Provided further*, That the Board, in accordance with such procedure as it may prescribe, may authorize the maximum flying hours hereinabove provided for to be exceeded to the extent necessary to complete a particular flight for military purposes.

SEC. 2. Every air carrier shall comply with the regulations fixed by the Board hereunder. The powers of the Civil Aeronautics Board with respect to the enforcement of the Civil Aeronautics Act shall be available to it in the enforcement of this act, and the penalties prescribed in section 902 (a) of that act shall be applicable to violations of this act or any regulation issued thereunder.

SEC. 3. This act shall remain in force during the continuance of the present war and for 6 months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate.

With the following committee amendments:

Page 1, line 4, strike out "(1)" and insert "(1)."

Page 2, line 10, after the word "with", insert "the provisions of this act and."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and also ask unanimous consent that the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from California [Mr. LEA] may extend his own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. BULWINKLE]?

There was no objection.

Mr. LEA. Mr. Speaker, the removal of the monthly 85-hour limitation for air-line-pilot flying and the substitution of 100 hours therefor subject to further discretionary relaxation, as provided by H. R. 6799, will very substantially increase the manpower hours of air-line pilots. The merits of this bill are self-evident.

No one is able to state the exact number of hours of increased service that will result from this change in the law. The estimate that the increased service will equal that of three or four hundred air-line pilots, as now in operation, is dependent upon the increased number of such pilots who will be engaged in flying either in the regular air-line service or in the additional war service in which these pilots will engage.

In any event, the change of the law will make a very useful and a very substantial contribution to transport service both by the air lines and in support of our country's war effort.

This is perhaps the first instance during this war in which an organized group of employees has voluntarily come forward and in the interest of national defense supported a change in the law to authorize additional hours of service and that without any hourly increase or overtime pay. This is a commendable action that deserves recognition. It can be said, also, that the air-line carriers and the pilots and copilots have voluntarily heretofore agreed upon terms of employment more favorable to the operating pilots than that required by law.

NATIONAL DEFENSE HOUSING

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6483) to amend the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended, with Senate amendments, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. LANHAM]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Messrs. LANHAM, BELL, and HOLMES.

CASES UNDER THE EXPEDITING ACT OF FEBRUARY 11, 1903

Mr. McLAUGHLIN. Mr. Speaker, I call up the conference report on the bill (H. R. 6005) to authorize cases under the Expediting Act of February 11, 1903, to be heard and determined by courts constituted in the same manner as courts constituted to hear and determine cases involving the constitutionality of acts of Congress.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6005) entitled "An act to authorize cases under the Expediting Act of February 11, 1903, to be heard and determined by courts constituted in the same manner as courts constituted to hear and determine cases involving the constitutionality of acts of Congress, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the bill (H. R. 6005), and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 3. In any action in a district court wherein the action of three judges is required for the hearing and determination of an application for interlocutory injunction and for the final hearing by reason of the provisions of section 266 of the Judicial Code, the Act of October 22, 1913, chapter 32, or the Act of August 24, 1937, chapter 754, section 3 (being, respectively, sections 380, 47 and 380a of title 28 United States Code), or the Act of February 11, 1903 (32 Stat. 823; U. S. C., 1940 edition, title 15, section 28 and title 49, section 44), as amended by section 1 of this Act, any one of such three judges may perform all functions, conduct all proceedings, except the trial of such action, and enter all orders required or permitted by the Rules of Civil Procedure for the District Courts of the United States in effect at the time, provided such single judge shall not appoint, or order a reference to a master, or hear and determine any application for, or vacation of, an interlocutory injunction, or dismiss the action, or enter a summary or final judgment on all or any part of the action: *Provided, however,* That any action of a single judge hereby permitted shall be subject to review at any time prior to final hearing by the court as constituted for final hearing, on application of any party or by order of such court on its own motion."

And on page 2, lines 2 and 3, of the House engrossed bill, after "1903" strike out "(U. S. C., 1934 edition, title 49, sec. 44)" and insert "(32 Stat. 823; U. S. C., 1940 edition, title 15, section 28 and title 49, section 44)".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill; and agree to the same.

HATTON W. SUMNERS,
CHARLES F. MCLAUGHLIN,
CLARENCE E. HANCOCK,
Managers on the part of the House.

PAT MCCARRAN,
TOM CONNALLY,
JOHN A. DANAHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6005) entitled "An act to authorize cases under the Expediting Act of February 11, 1903, to be heard and determined by courts constituted in the same manner as courts constituted to hear and determine cases involving the constitutionality of acts of Congress," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the bill adds a new section to H. R. 6005. This new section is retained, in substance, in the amendment agreed to by the conferees. Such new section added by the Senate amendment was substantially the provisions of H. R. 4812 which passed the House on February 2, 1942, which pertained to other three-judge courts, the purpose of which bill was to authorize a single judge to handle preliminary matters. Section 1 of H. R. 6005 relates to the composition of the expediting court. The Senate undertook to include the expediting court authorized by the act of February 11, 1903, as such a three-judge court where a single judge might also be authorized to handle preliminary matters. The language used, however, referred back to section 1 of the bill (relating only to expediting courts under the act of February 11, 1903, as one would have defeated the purpose of H. R. 4812 by limiting to that type of three-judge court the authority for a single judge to dispose of preliminary matters whereas H. R. 4812 was intended to apply to the various other three-judge courts. The amendment agreed to by the conferees would include expediting courts under the act of February 11, 1903 as one of the several three-judge courts where a single judge may handle preliminary matters.

The conferees retained language of the Senate amendment making it clear that a single judge of a three-judge court should not conduct the actual trial. It is believed that H. R. 4812 as it passed the House would not have permitted a single judge to conduct the trial, but in order to make it clear of any doubt, the conferees retained the Senate language providing that a single judge may not actually conduct the trial.

The conferees have agreed to a clarification in the bill of a citation to the United States Code.

The Senate amendment to the title is appropriate to the action agreed upon in conference and the House recedes from its disagreement thereto.

HATTON W. SUMNERS,
CHARLES F. MCLAUGHLIN,
CLARENCE E. HANCOCK,
Managers on the part of the House.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman explain the conference report?

Mr. McLAUGHLIN. The bill (H. R. 6005) is a bill to provide that in cases arising under what is known as the Expediting Act, which up to this time have required the action of a court composed of three judges of the circuit court of appeals, the court henceforth may be composed of three judges only one of whom shall be required to be a member of the circuit court of appeals. This will relieve the circuit court of appeals by permitting the use of district judges in three-judge court cases under the Expediting Act.

Mr. MARTIN of Massachusetts. Is this a unanimous conference report?

Mr. McLAUGHLIN. It is a unanimous conference report.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN. I yield to the distinguished gentleman from Michigan.

Mr. MICHENER. This bill was reported unanimously by the Committee on the Judiciary?

Mr. McLAUGHLIN. It was.

Mr. MICHENER. It is somewhat technical, but it will be a very effective law and will expedite the trial of cases and possibly obviate the necessity of having additional judges.

Mr. McLAUGHLIN. That is entirely correct.

I may say for the purpose of the record, not to consume any extraordinary length of time but to make definite the statement, that this bill, H. R. 6005, is in effect a combination of H. R. 6005 and H. R. 4812, both of which bills passed the House after a unanimous report by the Committee on the Judiciary. They were passed as independent bills in the House. In the Senate they were

combined in one bill. The House conferees took the position that the combination bill was drawn in such a way that it did not accomplish the intended purpose. The members of the Committee of Conference on the part of the House pointed this out in the conference. The Senate accepted our version and the Senate adopted the conference report. The bill comes before us now in what we consider to be proper form as unanimously agreed to by the conferees of both the House and the Senate.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN. I yield to the gentleman from Indiana.

Mr. SPRINGER. As I understand, from my distinguished colleague, this bill was reported unanimously by the Committee on the Judiciary after a very careful consideration of the measure. If this bill is finally passed and becomes a law, it will relieve the tension very materially as far as judges of the circuit court of appeals are concerned with regard to actions of the character mentioned. It will make possible the use of two district Federal judges to sit with one circuit court judge. This measure is needed, and it will expedite the procedure materially.

Mr. McLAUGHLIN. The gentleman from Indiana, a very valuable member of the Committee on the Judiciary has stated the situation correctly.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. POAGE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two short radio speeches on the sale of Defense bonds.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMAS F. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the Post.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a telegram which is similar to a number of others protesting against the curtailment of rural mail routes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement on the capital-gains tax bill made by a former Member of the House, Mr. Pettengill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CALIFORNIA SALES TAX

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I again want to answer my colleague the gentleman from Missouri [Mr. COCHRAN] in connection with his bill to prevent the State of California from collecting its 3-percent sales tax. This gentleman says this bill "will not take away from California one right that it has had," but in the same sentence he says, "But it will prevent the State of California from levying taxes on money that is being spent by the Government through contractors, subcontractors, and material men." And right below he states that by the enactment of his bill $40,000,000 will be taken away from California.

I think we in California know more about the financial structure of that State than does the gentleman from Missouri, and we know that this bill will wreck the State of California. About the only real effect this bill would have would be to place in the pockets of the contractors, subcontractors, and material men far more profits. These will not be passed on to the Government. If the discussion of some of these profits as disclosed by the gentleman from Tennessee, ALBERT GORE, is any criterion, you may see how the United States Government is going to come off.

Why should the gentleman from Missouri or the Federal Government at any time tell the State of California what it can or cannot tax? This is an absolute violation of the sovereignty of the State of California and its State's rights, and is an attempt on the part of the Federal Government to tell California what it can do with respect to taxes. So far as I am concerned, the Federal Government will never step its foot over the State line of California to violate that sovereignty, and I hope the Members of this House will kill the Cochran bill if it ever comes before this body.

EXTENSION OF REMARKS

Mr. HILL of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

SUSPENSION OF THE 40-HOUR WORKWEEK

Mr. HILL of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HILL of Colorado. Mr. Speaker, there seems to be considerable argument over the air and through the press as to where our protests for the suspension of the 40-hour workweek are coming from. This morning I took occasion to carefully analyze and classify the first delivery of my morning mail. I give you the results:

For suspension: Organizations, 8; wholesale company, 1; insurance company, 1; Housewives, 9; mining company, 1, petitions, 2; threats, 1; farmers, 8; businessmen, 15; laborers, 5; professional men, 2; officeholders, 3.

Against any change: 1 petition, 4 names; 2 wires, labor organizations; 1 letter, labor organization.

This makes a total of 56 in favor of suspending the 40-hour workweek and 4 against any change in labor legislation.

EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Pennsylvania [Mr. VAN ZANDT] be permitted to extend his remarks in the RECORD on the St. Lawrence waterway.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GUYER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOPE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

[Mr. HOPE addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein resolutions passed by certain mass meetings held in the Sixth Congressional District of Texas.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert a recent article by Frank Kent in which he defends Mr. Jesse Jones against criticism of being in any way responsible for the rubber situation.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CHEHALIS, WASH., IS ON THE ALERT

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I have many fine patriotic com-

munities in my district and I am particularly proud of the progressive city of Chehalis in Lewis County.

According to a telegram I have just received from my friend and prominent civic leader, Mr. Clarence Ellington, Chehalis, with a population of 5,000, has oversubscribed its campaign to raise $55,000 for the purchase of a P-40 pursuit plane in 9 days of the 2 weeks. Continuing the campaign the surplus raised is to be used for specialized equipment for the plane. This is a basis of $9.16 per capita.

A still better record is the total sale of war bonds in Chehalis. To this date bonds amounting to $360,000 have been sold, which is $72 per capita.

Chehalis, which is one of the first communities which the Japanese are likely to invade, according to Homer Lea and the military experts, if they attempt an invasion of the Pacific coast, challenges any other community in the United States to excel this record and invites Tokyo to take notice.

[Here the gavel fell.]

SALES TAX IN CALIFORNIA

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

[Mr. COCHRAN addressed the House. His remarks appear in the Appendix.]

PROPOSED RECESS

Mr. MILLS of Louisiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MILLS of Louisiana. Mr. Speaker, I understand it is being discussed to recess for 2 weeks; so my purpose is to enter a protest against taking an Easter recess.

I have heard it said, "I want to go home and see how my people feel toward certain national problems." Well, for me, I can definitely say I know; that the majority of my people have listened, they have thought, they have drawn their conclusions, they demand less speeches, more action, and with fervent prayers they are asking we gear our industries to operate 24 hours a day and at the same time eliminate all nondefense spending.

EXTENSION OF REMARKS

Mr. MICHENER. Mr Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter.

The SPEAKER. Is there objection?

There was no objection.

MONOPOLISTIC CORPORATIONS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, synthetic rubber, we now learn, could not be developed here because of an agreement between Standard Oil of New Jersey and the German Dye Trust. Already we have been told how expansion of metals has been interfered with for the same kind of reasons. In my judgment, the worst bottleneck we have, so far as increasing American war production is concerned, is the shortage of certain metals, and other necessary products due to opposition on the part of some monopoly corporations which, as Thurman Arnold yesterday said, even went to the extent of agreements between those monopoly corporations and some German corporations. I point out that it is monopoly which strikes hardest at the vitals of any democratic action, and any democratic economic order. For monopoly means restriction of production and only the most ingenious action can break its hold. I am not one to apologize for things that may be wrong in the ranks of labor or any other group, nor do I say that we should not correct them, but I do say that the serious, effective bottleneck is not in labor but is here in these restrictions that have existed and in some respects still exist, and I commend the action of Mr. Arnold and his associates for bringing it so forcibly to the attention of the country. If we are to have full production 24 hours a day, 7 days a week, there cannot be tolerated any attempts on the part of monopolies to preserve their monopoly position at the expense of the fullest expansion of production that our war production requires.

I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter and resolution from the American Legion of Mississippi.

The SPEAKER. Is there objection?

There was no objection.

RURAL ELECTRIFICATION

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

[Mr. RANKIN of Mississippi addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, yesterday I obtained consent to insert in the RECORD an article by Louis M. Lyon. It has been called to my attention that it exceeds three pages and would cost $105 more. I ask unanimous consent that the article be included, nevertheless.

The SPEAKER. Is there objection?

There was no objection.

WAR DEPARTMENT CIVIL FUNCTIONS BILL, 1943

Mr. SNYDER. Mr. Speaker, I call up the conference report on the bill H. R. 6736, making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6736) making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following: "without the specific approval of the Secretary of War"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 2.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
GEORGE MAHON,
D. LANE POWERS,
ALBERT J. ENGEL,
FRANCIS CASE,
Managers on the part of the House.

ELMER THOMAS,
CARL HAYDEN,
JOHN H. OVERTON,
RICHARD B. RUSSELL,
JOSIAH W. BAILEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6736) making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: Appropriates $66,802,500 for rivers and harbors, as proposed by the Senate, instead of $57,502,500, as proposed by the House, the increase of $9,300,000 applying entirely to the construction of lock and auxiliary works at Sault Ste. Marie on the St. Marys River, Mich., for which a Budget estimate has been presented (H. Doc. 658).

Amendment No. 3: Changes the effective date of the provision with respect to preliminary examinations and surveys conducted, pursuant to law, under the direction of the Department of Agriculture, as proposed by the Senate.

Amendment No. 4: Amends the provision with respect to the purchase of motor-propelled passenger-carrying vehicles by Federal agencies, other than the Executive Office and the Military and Naval Establishments, so as to make all purchases or exchanges subject to the specific approval of the Secretary of War.

Amendment in disagreement

The committee of conference report in disagreement the following amendment of the Senate:

Amendment No. 2, relating to flood control, general.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
GEORGE MAHON,
D. LANE POWERS,
ALBERT J. ENGEL,
FRANCIS CASE,
Managers on the part of the House.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. POWERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POWERS. Mr. Speaker, there is 1 hour allowed on the conference report, is there not?

The SPEAKER. If the gentleman from Pennsylvania desires to use it.

Mr. POWERS. If the gentleman from Pennsylvania desires to use it. Will the gentleman from Pennsylvania yield?

Mr. SNYDER. I yield.

Mr. POWERS. As I understand it, there is 1 hour of debate, if we so desire, on the conference report. Is that correct?

Mr. SNYDER. That is correct.

Mr. POWERS. It is not my intention to take very much time on the report itself. Will the gentleman yield further?

Mr. SNYDER. I yield.

Mr. POWERS. There is also 1 hour of debate on Senate amendment No. 2. Is that correct?

Mr. SNYDER. That is right.

Mr. POWERS. Assuming that we do not use the hour on the conference report, will the gentleman from Pennsylvania yield to me one-half of his hour on Senate amendment No. 2?

Mr. SNYDER. I will yield the gentleman as much time as we consume on this side. I do not think it is customary to yield time en bloc to the other side on a conference report.

Mr. POWERS. If you have 1 hour, you say you will yield to me as much time as you use?

Mr. SNYDER. I will yield to individuals on your side as much time as we use.

Mr. POWERS. We want a half an hour on this side. Will that be satisfactory?

Mr. RANKIN of Mississippi. The rule is to divide the time between the proponents and opponents, regardless of their political affiliations.

Mr. SNYDER. That is right.

The SPEAKER. The rule is that the gentleman from Pennsylvania will have control of all the time.

Mr. SNYDER. I will yield as much time to the proponents as I do the opponents.

Mr. POWERS. Then you will yield half an hour to the opponents and a half an hour to the proponents?

Mr. SNYDER. Yes.

Mr. POWERS. That is satisfactory.

Mr. SNYDER. I do not suppose very many are interested in this, but if you will listen to this statement perhaps we will not require much debate. We had a great deal of debate on the controversial questions when this bill was considered in the House. I do not see any reason why we should have a great deal of debate after this statement.

Mr. Speaker, the Senate placed four amendments on the bill. The statement just read by the Clerk explains the effect of the action agreed upon by the conferees on amendments 1, 3, and 4.

The remaining amendment, No. 2, is returned in disagreement. This accords with the arrangement entered into on yesterday when we agreed to the conference asked by the Senate.

I should like to say a word about this amendment No. 2.

It relates solely to the total amount to be appropriated for flood control, general.

The House approved a total of $128,273,700.

The Senate increased that amount by $23,789,000.

That increase applies to six projects, and I think the House should know what they are:

First. The Bull Shoals Reservoir project, in Arkansas, $16,700,000.

Second. The Table Rock Reservoir project, in Missouri, $2,016,000.

Third. The Tulsa and West Tulsa, Okla., flood-control project, $213,000.

Fourth. Clearing and snagging work, Salt and Gila Rivers, Ariz., $50,000.

Fifth. Mermentau and Vermillion Rivers, La., flood-control project, $970,000.

Sixth. Readying authorized flood-control projects for building up a reservoir of work available for immediate prosecution to cushion post-war adjustment, $3,750,000.

The House considered the Bull Shoals and Table Rock Reservoir projects and rejected them.

The House did not have the Oklahoma, Arizona, or Louisiana projects before it. They are all authorized projects, but are not supported by Budget estimates, and, of course, the House provided for projects—three projects, without Budget estimates. The Oklahoma project has a munitions defense plant protection justification. The Arizona and Louisiana projects are urged for giving protection from floods to agricultural areas.

For building up a backlog of worthwhile post-war projects, the House provided $1,000,000.

I want the membership to have this information before it is called upon to act upon the amendment in disagreement, which is the next step after the conference report shall have been adopted.

The Senate increase involves all of the projects I have named.

At the proper time I shall move to insist upon our disagreement to the amendment of the Senate. I shall do so because of the parliamentary situation. I favor the Bull Shoals project; I think there is much merit in the Oklahoma project, and I should like immensely to vote for the project designed to ease the post-war readjustment. Next to winning the war, I can conceive of nothing of greater importance. It will be a hollow victory, indeed, if we are not ready to make the most of it.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. SNYDER. I gladly yield to the gentleman from New York.

Mr. TABER. Can the gentleman tell us on which of these six items that are included in this proposition, the Senate held hearings?

Mr. SNYDER. All of them.

Mr. TABER. All of them?

Mr. SNYDER. They so stated in their hearings that they had.

Mr. TABER. Does it refer to all of these items?

Mr. SNYDER. It does, sir.

Mr. TABER. As to the Oklahoma item, is it not true that an appropriation was made for this current fiscal year for that item and that the funds therefor have been impounded by the President and the Treasury, and the work has not been allowed to go on?

Mr. SNYDER. My impression is that there was an appropriation of $300,000 made for that as of the past fiscal year, and that it was impounded, and that this is merely asking for $213,000 more, making a total of $513,000 which it was stated in the hearings—at least, it was stated before the conference committee, would do the job.

Mr. TABER. When the President and the Budget thought that the project had so little merit that they have impounded the funds that have already been appropriated for the project?

Mr. SNYDER. Well, I am not here to make specific argument for that project, but it is my duty to state that in the conference the gentleman who was advocating this said that a number of Army factories had sprung up along here that needed this protection. That is what they gave to the conference committee. It was a report similar to what we have done at Louisville, Ky. The funds were impounded there last year, but the Army moved in and built a lot of plants right down along the river and, as a protection, we allowed that money so that they could build whatever was necessary at the river to protect those plants. It was stated to us in conference that this was a similar situation.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Michigan.

Mr. DONDERO. I notice that the amount of money allocated for the construction of the extra lock at Soo, Mich., has been increased by $1,300,000?

Mr. SNYDER. Yes, sir.

Mr. DONDERO. No figure has ever been presented to the Rivers and Harbors Committee in excess of $8,000,000. I wondered what that extra $1,300,000 was for.

Mr. SNYDER. As we understood there was a situation up there that made it very essential that the work be done and be done right away. It required this amount of money to do it.

Mr. DONDERO. Is it for some item outside of that extra lock at the Soo?

Mr. SNYDER. No; no item outside of general project.

Mr. DONDERO. What I am wondering is where the increase comes in above the $8,000,000 that was presented to the

Rivers and Harbors Committee as the cost of that extra lock.

Mr. SNYDER. I cannot give the gentleman details, only to say that it must be looked at from the standpoint of national defense.

Mr. DONDERO. This is the first time I have seen the figure $9,300,000 mentioned in connection with the item.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield.

Mr. TERRY. I understand the extra amount is for auxiliary work in connection with the lock.

Mr. SNYDER. Yes.

Mr. DONDERO. It was my understanding that all work in connection with the lock was not to exceed $8,000,000. That was the testimony before the House committee; and I am wondering what the additional amount is for.

Mr. TERRY. The estimate is $9,300,000, including that extra work, as I understand it.

Mr. DONDERO. Some other work outside the lock?

Mr. TERRY. Yes; auxiliary work.

Mr. SNYDER. No.

Mr. DONDERO. I would like to know what that work is.

Mr. SNYDER. I cannot give the details.

Mr. TERRY. It is in connection with this work, as I understand, and was approved by the Director of the Budget when they sent the estimate up here.

Mr. DONDERO. There seems to be some confusion about this additional amount. I do not want in any way to disclose any defense matters, but I would like to know and I believe the House would like to know why the extra $1,300,000 is necessary.

Mr. SNYDER. I believe the gentleman will find that in the Senate hearings. The gentleman understands this was put in by the Senate.

Mr. DONDERO. I understand that to be so.

Mr. SNYDER. As members of the House committee, therefore, we would not know the details of this.

Mr. POWERS. Before the gentleman moves the previous question, the gentleman from Pennsylvania [Mr. RICH] and I also would like to have some time.

Mr. SNYDER. I shall be pleased to yield to these gentlemen.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, as this bill comes back to us from the Senate we find they have added $33,089,000. It is certainly pretty tough to see the bill treated in this manner, especially when we in the House of Representatives are trying to cut down on nonessential Government expenditures, to have the other body try to force us to spend for items that are not essential to the winning of the war. I refer particularly to the item in disagreement which will be considered after we have disposed of the conference report, $16,700,000 for Bull Shoals, and $2,106,000 for Table Rock in Arkansas and Missouri. These two items will cost us eventually $87,000,000 and not by the wildest stretch of the imagination can they be considered war functions. In the first place it will take between 3 and 4 years to complete.

Mr. TERRY. Will the gentleman yield?

Mr. RICH. Not now.

Mr. TERRY. The gentleman should be fair in his statement.

Mr. RICH. If I have made a misstatement, the gentleman from Arkansas may correct it. I am stating the situation as I see it. And I am not making a misstatement.

The House of Representatives is now asked to obligate the Treasury for $18,000,000 or $19,000,000, the expectation being to come back later for further appropriations.

Mr. Speaker, I believe it is about time that either we in the House of Representatives woke up or that the people back home woke up to the things we are trying to do. Personally, I believe the people back home are waking up.

Mr. HAINES. Mr. Speaker, will the gentleman yield.

Mr. RICH. I yield to my colleague from Pennsylvania.

Mr. HAINES. Is it not true that when these projects were considered in the House they were turned down?

Mr. RICH. That is right; exactly so. They were turned down at one time. We are now faced with this situation again, and it is up to us in the House of Representatives to turn them down again.

Mr. HAINES. Is my colleague certain that these projects are necessary or will contribute to national defense?

Mr. RICH. In 1945 or 1946 they may get some power out there, but in my thinking it seems to me there are so many things of greater importance facing us now that we should not even consider these. We shall have up for consideration before the day is finished another bill calling for the appropriation of $18,000,000,000. You heard it reported this morning. We have already appropriated for war over $90,000,000,000, almost all the money we can possibly spend during the whole year 1942, working 24 hours a day making things that are vital to the welfare of this Nation and the winning of this war. That is our first duty, our first obligation. Win the war; that is our first duty and our first obligation.

Mr. HAINES. Is there anything in the hearings that indicates a real need that this money be appropriated at this time?

Mr. RICH. May I say that you and I, as hard as we try to work, cannot do anything. We have worked hard for the last few weeks. I had to go to bed at 8:30 last night in order to be in the office at 9 o'clock this morning. We did not get these hearings until about 15 or 20 minutes ago. How can we look through them? We have to go to appropriation committee at 11 o'clock and pass on an appropriation bill for $18,000,000,000. It is humanly impossible to do these things. Work as hard as you can from 8 o'clock in the morning till 11 o'clock at night.

Mr. HAINES. I want to commend my colleague for his splendid work. May I say I am in entire accord with the statement he makes.

Mr. TERRY. Will the gentleman yield?

Mr. RICH. Because these items are to be spent in the district of the gentleman from Arkansas [Mr. TERRY], and because he is working day and night to have this passed, I am forced to yield to the gentleman.

Mr. TERRY. I would like to know what time the gentleman had to go to bed last night to get here today?

Mr. RICH. I had to go to bed at 8:30 last night because I have been working for 4 weeks long, long hours. I am about played out and I cannot take it much longer. I am going to tell you, some of you gentlemen have got to work a little longer or we are going to wreck this Nation. We want more work and less play. More work or less pay.

Mr. TERRY. More work and less talk.

[Here the gavel fell.]

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. POWERS].

Mr. POWERS. Mr. Speaker, this is the same old story. The Appropriations Committee of the House and the House tried to do a job in cutting down nondefense expenditures. Then the bill goes to another body and is raised, as usual In my 10 years' experience as a member of the Appropriations Committee I do not recall having received a bill back in the House from the other body that had not been raised. This is just another glaring example of what is happening on the other side of the Capitol. Where in the world this economy bloc was when the bill passed the Senate is beyond me.

Mr. SCOTT. Will the gentleman yield?

Mr. POWERS. I yield to the gentleman from Pennsylvania.

Mr. SCOTT. Is the gentleman aware of the fact there is a report in the Power Division of the War Production Board that the Government's power program by 1944 will result in a 70-percent power surplus over all of the domestic and war needs of the Government as those war needs have been furnished to the War Production Board?

Mr. POWERS. I was not aware of that fact. That is a very interesting contribution the gentleman has made.

Mr. PLOESER. Will the gentleman yield?

Mr. POWERS. I yield to the gentleman from Missouri.

Mr. PLOESER. May I say in answer to the gentleman from Pennsylvania that information has also come to me, in addition to the information just stated, that these two particular projects, Bull Shoals and Table Rock, will add a needless part of that surplus power. It is also reported that there is absolutely no war need for these projects in that particular territory of the country today. Further, I think it is important for the Members of the House to know that there has been an attempt to suppress this report until the bill we are now considering can be passed by the Congress I think that borders on being scandalous.

The Senate has put these two projects back in, and by putting them back in they are reestablishing appropriations in excess of $87,000,000, the ultimate expense involved in the construction of these two dams; this, after the House has cut them out of the bill.

I am hopeful that the House will repeat its action of a few days ago and strike from the report of the conference committee Senate amendment No. 2 which includes these particular projects that I have just mentioned.

Mr. POWERS. I thank the gentleman for his contribution.

Mr. Speaker, I intend to take some time, through the kindness of the gentleman from Pennsylvania, on Senate amendment No. 2. When the House votes on Senate amendment No. 2 it is voting a commitment of $100,000,000. One hundred million dollars is the commitment that we are going to vote on in a very, very short time. I shall reserve further remarks until I obtain my time on Senate amendment No. 2.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 7, line 5, strike out "$128,273,700" and insert "$152,062,700."

Mr. SNYDER. Mr. Speaker, I move that the House insist on its disagreement to Senate amendment No. 2.

Mr. TERRY. Mr. Speaker, I offer a preferential motion to recede and concur in Senate amendment No. 2.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. TERRY moves to recede and concur in the amendment.

Mr. TABER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. TABER. The amendment is not in order at this time. If an amendment of this kind is to be offered to recede and concur with an amendment, it must be after the House has voted to recede.

The SPEAKER. The motion to recede and concur takes precedence at this point.

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Speaker, as has been stated very well by the chairman of the subcommittee, when this bill went to the Senate that body put in four items in addition to the Bull Shoals and Table Rock items, which were up for discussion in the House when the bill was before this body.

Much has been said about Table Rock and Bull Shoals not being completed for several years. It was stated in the House that these projects would not be in operation until too late to serve in this war, yet the engineers have told you that Bull Shoals will be in operation in the latter part of 1944 and that the Table Rock hydro will be in operation in the spring of 1945.

Mr. Leland Olds, Chairman of the Federal Power Commission, in a letter which was read in the House, states this:

These projects are essential parts of a program of power supply for the war effort in the region which comprises the States of Arkansas, Louisiana, most of Oklahoma and Texas, part of Missouri, and the westerly portion of Mississippi. This program includes existing generating facilities, new steam-electric units on order by the utilities, new generating capacity on order to serve aluminum and magnesium loads, and existing and other proposed hydroelectric projects.

A summation of the existing assured capacity, after allowance for minimum reserves, in this region, including new steam-electric units on order by utilities for installation this year and the new industrial generating capacity on order for installation in 1942 and future years, is 269,000 kilowatts less than the estimated power requirements in 1943, 322,000 kilowatts less in 1944, 419,000 kilowatts less in 1945 and 483,000 kilowatts less than estimated requirements in 1946. These deficiencies must be made up by a combination of additional steam-electric and hydroelectric generating capacity.

As you know, the limitations on the manufacturers to produce land turbines have become increasingly serious on account of the necessity of pushing, to the fullest extent, the naval and maritime ship program. The same manufacturing capacity is utilized for the production of land and marine turbine equipment. For this reason it is especially desirable to install, in areas where the possibilities for the development of hydroelectric power exists, all of the hydro equipment that can be obtained, subject to the limitations of manufacture. By following this procedure, manufacturing capacity for the production of land turbine equipment can be utilized for areas where the possibilities for the production of hydro power do not exist

This power is needed by the country at this time in the development of the war program. There is no doubt about it. We know the war will not be over this year, but we do not know whether the war will be over even in 1944 or 1945.

Some of the Members of this House who are now criticizing the development of power which is needed at this time by the Government, when the War Department program came on the floor for the 5,500 airplane program 3 years ago, in June 1939, fought that program at that time, because, they said, "You cannot tell us we are going to have a war." They further said, "The President of the United States is a warmonger and is using the foreign war propaganda to conceal and divert attention from domestic problems."

Yet within 3 months after they were trying to defeat the expansion of the airplane program, we had a war in Europe. From that day on, it has been conclusively demonstrated that more and more airplanes are necessary; that we cannot win battles on land or sea without air superiority.

The President of the United States has asked you for these dams. The President had a supplemental Budget estimate sent down to include the Table Rock and Bull Shoals projects as being necessary for the production of power for the war program. I do not see how gentlemen can get up on this floor and say, "We would vote for these projects if they were necessary for power for war production, but we do not know when the war will be over. These dams may be in operation too late for the war." You do not know when the war will be over, and I do not know it. The President of the United States does not know it. Nobody knows.

I ask you to agree to my motion to recede and concur in the Senate amendment.

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. CANNON of Missouri. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 50]

Baldwin	Gifford	O'Day
Barry	Gillette	Osmers
Beam	Gore	O'Toole
Bender	Harris, Va.	Pace
Bennett	Healey	Patrick
Bishop	Hébert	Patton
Boehne	Holmes	Pfeifer,
Bolton	Hook	Joseph L.
Brooks	Houston	Reed, Ill.
Brown, Ohio	Jarrett	Richards
Buck	Johnson,	Robertson,
Buckler, Minn.	Lyndon B.	N. Dak.
Buckley, N. Y.	Kelly, Ill.	Romjue
Burch	Kennedy,	Sacks
Burdick	Martin J.	Schaefer, Ill.
Byron	Kennedy,	Schulte
Cannon, Fla.	Michael J.	Shannon
Capozzoli	Keogh	Sheridan
Celler	Kilburn	Short
Clark	Kleberg	Smith, Pa.
Cole, Md.	Klein	Stratton
Culkin	Kocialkowski	Sumner, Ill.
Day	Kramer	Tolan
Delaney	Lambertson	Vreeland
Dies	Lewis	Wadsworth
Domengeaux	McGranery	Walter
Douglas	McKeough	Weiss
Eliot, Mass.	Maciejewski	Welch
Flannagan	Magnuson	Wilson
Gale	Merritt	Wolfenden, Pa.
Gavagan	Mitchell	Worley
Gearhart	Mundt	

The SPEAKER. On this roll call 341 Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, there are items in here involving $22,000,000. The first one relates to Bull Shoals Reservoir, the second one to Table Rock Reservoir, both of which were thrown out by the House about 10 days ago, when we had the War Department bill up.

These reservoirs are designed, alleged, to promote flood control on the White River in Arkansas, and are power projects in disguise, but they are power projects that cannot be put on an efficient basis. In other words, the engineer testified that the cost of producing power at the plant would be 3.2 mills, as against an average coal cost, which is generally known in regions that are supplied plentifully with coal, of about 2 mills. This means that the power is high-priced power and that if it is going to compete and be transmitted, it is going to be expensive power.

There is a coal plant of considerable size under construction at the present time, which will come out quite a little ahead of this plant, and these two plants cannot possibly be completed before early 1945 or 1946. Both of them are opposed by the Conservation Commission of Missouri. It seems to me it is a waste of money for us to go ahead at this time

with an enormous program of $22,000,000 when Mr. Churchill tells us that the tide is turning against us in the Atlantic. This was his announcement yesterday. Is it not time for us to wake up and quit monkeying around and get right down to the war effort and quit going into things we cannot possibly have done in time to be of use in our war effort?

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. MICHENER. Are these dams to be used in a series of dams any of which are now operating?

Mr. TABER. They are new dams and the authorization is $49,000,000 and the cost of the two dams will be $90,000,000, or about double the authorization.

Mr. MICHENER. What I am getting at is whether they are to be used in connection with a series of dams, where the same water goes over more than one dam, thereby producing additional power without additional cost.

Mr. TABER. There may be other dams on the river. I cannot tell the gentleman about that. I will leave that to the members on the subcommittee; but these two dams are supposed to a certain extent to go together, although there was no Budget estimate for the Table Rock proposition.

There are four other items in here, including the Tulsa, Okla., item, where there was previously an appropriation of $300,000, which has been impounded by the President and the Director of the Budget and the Treasury, and is not to be used.

Why should we put any more money into that proposition? There was an item for clearing and snagging the Salt and Gila Rivers, on which there were no hearings, and no one can tell anything about it. There was an item for Louisiana, and the engineers were not called in or asked to give testimony, and that amounted to $970,000. Then there was an item of $3,750,000 for planning, and after hearings the subcommittee only allowed $1,000,000. They did that when they knew what they were talking about. If we have our engineers chasing all over the country trying to get up new projects when there are millions and millions of projects already surveyed, we are going to interfere with the war effort and cloud our efforts to get things done so that we can support the war effort.

Mr. Speaker, I hope the House will reject the motion to recede and concur.

[Here the gavel fell.]

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, when this matter was before the Flood Control Committee I appeared before that committee in opposition to both dams. When the flood-control bill was brought in I spoke in opposition to both projects. When this bill was before the House I spoke in opposition to the projects. I merely mention this to show that I have been consistent in my opposition to the Bull Shoals and Table Rock Dams. The House refused to include the projects in the bill before it went to the Senate. Read the Senate hearings and see if you find any justification in favor of restoring the projects. Read the Senate report and see if you find one word in justification of these projects.

Mr. ELLIS. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. No; I will not. Answer in your own time; I need mine.

Read the debate in the Senate. You cannot, for you will find there was no debate on this proposition in the Senate; not a word. The bill was passed in the Senate as fast as the clerk could read the amendments, and yet the Senate put two projects in the bill which the engineers of the Army say will cost $87,500,000. The gentleman from New Jersey [Mr. POWERS] says this will cost $100,000,000. You have a power dam on the White River, the Norfork Dam, now being constructed, but it will not be completed in 1944 or 1945. It is going to provide power. Yesterday it was shown on the floor of the House by the gentleman from Oklahoma [Mr. NICHOLS] that the engineers of the Army are not even using the power already available at the Grand River project. Are they going to use the power at Norfork? Table Rock and Bull Shoals would provide an excess of power, which is not needed. If it were a national defense project, I would support it. I would turn around and go the other way, if we needed it, but it is not a national defense project.

You will hear in a few moments, if he is consistent, from the gentleman from Arkansas [Mr. ELLIS], who will tell you that anyone who opposes this represents the Power Trust. Before he ever saw Washington, I was here fighting the Power Trust. I fought it on Boulder Dam, and on the holding-company bill, and on every public project that was advocated here. Too many to mention. Look at my record. The gentleman from Arkansas has filled the CONGRESSIONAL RECORD, with statements, given articles to the press, in which he says anybody that disagrees with him is, according to him, a representative of the Power Trust. If there is one charge from which I can be exonerated, it is that of being a representative of the Power Trust. My action all through my public life has been just the opposite. I am just as much opposed to the Power Trust as is the gentleman from Arkansas, and I have done just as much for rural electrification as he has, and I suggest to him that he might curb his words a little in accusing Members of this House of being representatives of the Power Trust. I am in favor of private utilities when properly conducted, but not when they are operated against the public interest.

Mr. ELLIS. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I refuse to yield. The gentleman has been allotted time. Here is a chance to save $87,500,000. True, the authorization is only for $49,000,000, but the gentleman from New York [Mr. TABER] knows that the Chair has ruled time and time again, if a project is in progress, regardless of how much is contained in the authorization, an amendment is in order as an additional appropriation, even though above the authorization. You can appropriate $200,000,000 on these projects if once you start them. These projects are not necessary. One of them is in my own State, and the other is in the State of Arkansas.

Norfork does not depend on these projects to generate power. Let us have Norfork. I am willing to have that power, and then if you need more in that section, come back and convince Congress you do.

There is only one national defense project down there, and it is an aluminum plant. Read the House hearings, and you will see that the aluminum plant is going to have its own power plant. It is not going to take the power from Norfork, or from Grand River, or from any other public dam down there. It is constructing its own power plant right now.

These projects are unnecessary; it is a waste of public funds at this time. The motion of the gentleman from Arkansas [Mr. TERRY] to recede and concur should be defeated. If you want to defeat these projects, if you want to save this money and spend it for vessels, tanks, and planes, and ammunition, vote "no" on the proposition of the gentleman from Arkansas. I hope by an overwhelming vote that the House will vote it down.

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. PLAUCHÉ].

Mr. PLAUCHÉ. Mr. Speaker, I have asked for this time to make a brief explanation of one item which is included in the amendment. I refer to the item for the Mermentau and Vermilion Rivers project, amounting to $970,000. This particular item was not presented to the Committee on Appropriations at the time this particular bill was under consideration, because we were not prepared at that time to make a proper presentation. Since 1856 this section of south Louisiana, between the Vermilion and Mermentau Rivers has been suffering from floods, which have progressively grown worse, until 1940, when, due to a tropical storm and precipitation of about 24 inches in 24 hours, the entire section, encompassing about 900,000 acres, was flooded, and resulting in as much as 6 and 7 feet of water in some of the communities. This particular flood, and that experienced in 1941, is due to the silting of the mouths of these two rivers, which makes it impossible for the rain water to flow into the Gulf.

Mr. POWERS. Mr. Speaker, will the gentleman yield?

Mr. PLAUCHÉ. Yes.

Mr. POWERS. I am sympathetic toward the gentleman's project, but there is no Budget estimate for this.

Mr. PLAUCHÉ. No; there is no Budget estimate. It was inserted by the Senate.

Mr. POWERS. And it means that this project is taken out of hundreds of others and placed in this appropriation bill without estimates, and is preferred over the others.

Mr. PLAUCHÉ. It is an approved project.

Mr. POWERS. It is an approved project.

Mr. PLAUCHÉ. It was only completed just a few weeks ago by the engineering department. But I just wanted to make

an explanation of this item in order to show that there is some connection with this project and national defense.

I would like to call to the attention of the House the fact that there were 2,500,000 bushels of rice lost by the flood of 1940. Forty-two percent of all the rice grown in continental United States is grown in that immediate territory. At the present time the oriental supply is cut off. Cuba, Puerto Rico and South American countries depending on rice as their basic food are unable to obtain it from any other section except Louisiana.

There were 240,000 tons of cane destroyed by the flood of 1940, 750,000 bushels of sweetpotatoes, 800,000 bushels of corn, 1,950 acres of peppers, 2,300 acres of truck, 42,000 bales of cotton, 25,150 head of cattle, 13,300 head of hogs, 4,000 head of sheep, 1,680 horses and mules, and 44,000 poultry.

In addition to this, there are something like 33 oil fields in that immediate territory producing more than 85,000 barrels of oil a day. During the flood it was necessary to close down every one of those oil fields and stop production for several weeks.

Another item which has not been called to the attention of the Congress is that during the 1940 flood the main line of the Southern Pacific from the Gulf coast to the Pacific coast was tied up.

The SPEAKER pro tempore (Mr. BULWINKLE). The time of the gentleman from Louisiana has expired.

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. WINTER].

Mr. WINTER. Mr. Speaker, I rise in opposition to the motion of the gentleman from Arkansas [Mr. TERRY] to recede and concur in this amendment.

The facts are there is no power shortage in this particular area of the United States. The gentleman from Arkansas [Mr. TERRY] himself stated it would be 1944 before one section of this project could be completed and 1945 before the other could be completed.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. WINTER. I yield.

Mr. TERRY. It has been stated by the Federal Power Commission that there is a shortage in this area we are talking about.

Mr. WINTER. Well, I differ with the gentleman's interpretation of what the Federal Power Commission has said about it, and what actually exists.

About a year ago, the Government started to build an aluminum plant at Lake Catherine, Ark. At that time the Defense Plant Corporation and Government organizations in charge asked the power companies to form a power pool to furnish the additional power necessary to operate this aluminum plant. The power companies got together and formed this pool and agreed to furnish power of over 100,000 kilowatts. In the interim the Defense Plant Corporation decided to build its own power plant of 120,000-kilowatt capacity. That plant is now in process of construction. The Government asked these power companies to have 100,000 kilowatts of power ready in March 1942, and that is this month. The aluminum plant is not ready to go. The power companies have their 100,000 kilowatts of power ready. The interconnections have been made. The power is there. There is 1,500,000 kilowatts of power in this particular area right now. There is an excess of over 200,000 kilowatts, not counting the 120,000 capacity that the Government is building in the aluminum plant itself.

Mr. MAY. Will the gentleman yield?

Mr. WINTER. I yield.

Mr. MAY. Suppose we put in these two dams and the war ends, where will they have a market for any of it, either that which is there now or that which will be produced in the future?

Mr. WINTER. They will not have any market. With the dam at Norfolk and with the dams owned by private industry on my side of the line over in Kansas, which have now been interconnected and made a part of this pool, there is all the power that they need. They only have one defense plant down there, and that is the aluminum plant.

Mr. ENGEL. Will the gentleman yield?

Mr. WINTER. I yield.

Mr. ENGEL. If the gentleman will examine page 76 of the hearings he will see that Colonel Reber testified that Bull Shoals would be completed by April 30, 1945, and start delivering power in 1944. Table Rock would be completed June 30, 1946, and would start delivering power in 1945.

Mr. WINTER. If that statement is true, and I assume it is, how on earth can electric power produced in 1945 and 1946 do the defense program any good at this time?

Mr. FADDIS. Will the gentleman yield?

Mr. WINTER. I yield.

Mr. FADDIS. For the truth of the gentleman's statement we need only refer to the action taken this morning by Donald Nelson with regard to not furnishing any more copper for the R. E. A.

Mr. WINTER. That is exactly correct. There is no use getting excited about this situation. It may be a fine thing. I do not blame these gentlemen for wanting these dams built in their areas, but as I understand it, the people of Missouri, particularly a great portion of them, except in the part that this particular dam at Table Rock is located, are against this program. I do not know anything about what the situation is in Arkansas, but I do know you are going to expend in the neighborhood of $100,000,000 under the guise of bringing electric power into an area that is supposed to have a shortage of power, when with these interconnections they now have over 200,000 kilowatts more power than they need.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman yield?

Mr. WINTER. I yield.

Mr. ZIMMERMAN. The people in the southeastern part of Missouri and the northeastern part of Arkansas are tremendously interested in the development of these dams, because that is the only source of power which they have in that great section of the country that is waiting for development. We do want it and need it badly.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN of Mississippi. Mr. Speaker, I was surprised at the speech made by the gentleman from Missouri [Mr. COCHRAN] and the gentleman from Kansas [Mr. WINTER]. Most surprising was the statement that they had a million kilowatts of electricity in that area and 200,000 more than was necessary.

Let me say in advance that some day the people are going to send Members to Congress from that section who will help develop the natural resources of the West and the Middle West. The power companies are using the Mississippi River as a Hindenburg line to keep us from going beyond it in the development of the water power resources of this country.

The administration is for both of these projects. It will not take a single dollar away from any other national defense project; besides these projects will pay for themselves. Gentlemen who are living in the tallow-candle age stand up and tell an intelligent Congress that we shall have no market for this power. Do you know what it reminds me of? I heard the same argument made by the predecessors of these gentlemen against the development of Muscle Shoals. They said we had a surplus of power At that time the country was using 40,000,000,000 kilowatt-hours of electricity a year. Last year we used 160,000,000,000 kilowatt-hours. There is a shortage now. Next year it will take more than 200,000,000,000 kilowatt-hours, and the time is not far distant when the American people will use a trillion kilowatt-hours of electricity a year. Whenever you get to where you use electricity for the purposes for which it was intended you will never have a surplus of power.

How do you know that none of the plants along the Atlantic or Pacific coast are not going to be knocked out? How do you know how long this war will last? How do you know how long we are going to be involved in this great struggle? We are going to need all the power we can develop.

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. RANKIN of Mississippi. I yield to the gentleman from Alabama.

Mr. SPARKMAN Is it not rather inconsistent on the part of these gentlemen to argue against these projects because the plants will not be completed until 1944, 1945, or 1946, yet you never hear a word from them against the construction of a battleship that will take equally long to complete

Mr. RANKIN of Mississippi. Why, certainly. Of all the men in this House who could gracefully drop out of this fight they are the distinguished gentleman from Alabama and your humble servant now addressing you, because our districts are electrified with power generated on the Tennessee River, and it is being retailed to the people at less than half the rates the people in Missouri,

Kansas, Arkansas, and a large number of other States that are affected have to pay. There is not any reason on earth for thus turning back and resisting modern progress, necessary progress, under the flimsy pretext that this money is needed for something else when it does not take a single dime away from national defense. If it did the President would not be for it.

You may do as you please, but if you defeat these projects you are turning back the wheels of progress. When you vote this motion down you are not only crippling national defense if this war should last for 5 or 10 years, but you are shutting the door of hope in the faces of the people of Missouri, Arkansas, Kansas, and of every other section within the distribution radius of one of these dams. The gentleman from Kansas talks about the immediate area The Army engineers told us in the Muscle Shoals report that the distribution radius was 350 miles, which would reach the city of St. Louis. You are not voting on local propositions, these are national projects.

I hope the motion will be sustained.

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, how, by the wildest stretch of the imagination, anyone can say this does not take something away from the prosecution of the war effort is beyond my comprehension. I simply cannot follow such a statement as that just made. The situation is simply this: These dams they are talking of constructing—the Bull Shoals Reservoir on the Arkansas and the Table Rock Reservoir—will take $19,000,000 to start. But to complete these and the other projects we are now debating will in the end cost $100,000,000.

What is happening here to the Congress? In the last 4 days we have had before us the Interior Department Appropriation bill carrying $162,000,000. This is a bill in which every Member of Congress is vitally interested We have so far spent 4 days on it. Even in that bill there are a lot of items that were not only cut to the bone by the committee before the bill was reported but further cuts were made by the Committee of the Whole.

Here come the same things, a Budget estimate for $23,000,000, which will cost $100,000,000. Now, you are going to spend that much by putting these two items in the bill. Does not that seem ridiculous?

Let me give you a statement to reflect on a little bit, and this refers to what was said by the gentleman who preceded me. He said it would not take anything away from our war effort. Let me call attention to the fact that you passed the fourth supplemental appropriation for airplanes, providing $12,000,000,000 on the 23d of January. On the 26th of January there was reported the Navy Department appropriation bill, and by the time the Senate got through with it there was provided in the bill $26,500,000,000. You have had the fifth supplemental defense bill for the Army, providing $32,762,000,000. This afternoon when you finish the Interior Department appropriation bill you will have the sixth supplemental national defense bill for $18,302,187,148. That makes a total for the four bills for war of over $90,000,000,000, and you have appropriated all that in 62 days.

Now you come in here and want to build dams that are not going to be for the national defense. If there is any, you will not get it until 1945 at the shortest time.

If you agree to the pending motion the people of this country will say that you have wheels in your head. The people of this country will not have any confidence whatever in you. All they can say is that Congress is trying and will wreck our financial stability.

Where are you going to get this money? How are you going to get this money? You have to go back to the people of this country and you are going to bow their backs for 100 years or 500 years in order to pay these debts. The people of America cannot stand it, this Nation cannot stand it, and if you have any love for your country for goodness' sake vote against the motion that has been offered by the gentleman from Arkansas [Mr. TERRY], and do not agree to the amendments that were placed in this bill by the distinguished body at the other end of the Capitol.

The Senate said at the beginning of the year that we ought to take a billion, yes, $2,000,000,000 away from the spending in civil functions of our Government. It made that statement early in January. Now it comes in here and tries to shove down the throats of the American people and you legislators who are elected by those people, the sum of $23,000,000 for several projects which will ultimately cost $100,000,000 and it will not be for national defense. Defeat the motion.

[Here the gavel fell.]

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. POWERS].

Mr. POWERS. Mr. Speaker, if the gentleman will yield for a moment, I would like to go on a little later. There are about 25 minutes of debate left.

Mr. SNYDER. I only have the gentleman from Arkansas [Mr. ELLIS] on this side. Does the gentleman want to be last?

Mr. POWERS. As a member of the committee I think it is my privilege to be last.

Mr. SNYDER. No; not necessarily.

Mr. POWERS. The gentleman states he has only one other speaker, the gentleman from Arkansas [Mr. ELLIS]?

Mr. SNYDER. That is is all.

Mr. POWERS. The gentleman wants me to take my 5 minutes now?

Mr. SNYDER. This gentleman here says that he was to have some time.

Mr. POWERS. The gentleman had a few minutes on the conference report. He has had no time on Senate amendment No. 2.

Mr. SNYDER. Does the gentleman want him to have time?

Mr. POWERS. Yes. If the gentleman has extra time, yield him 5 minutes.

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. PLOESER].

Mr. PLOESER. Mr. Speaker, I think it is only fair to say there are some people in the State of Missouri who are most sincerely interested in the development of these projects. I say that in spite of the fact that I am very much opposed to them. Their chief interest centers around a future hope of industrial development of that region of the Ozarks, not a war development but a future industrial development which time would not permit to be pertinent in any fashion whatsoever to our war effort. Their support of these projects is admirable. I have no quarrel with these proponents.

These dams were originally proposed, as I understand it, as flood-control measures. Early last fall I brought to the city of Washington and to the War Department a man who is thoroughly acquainted with that entire region. I wanted a careful survey on which to form an opinion. He has made quite a study of the flood-control problems of that entire Ozark region. He spent almost 2 weeks interviewing engineers in the War Department who had anything to do with studying the problem of flood control in this region. After he had completed that survey of the various features and plans of the engineers in the War Department, he returned to me and told me that if it had not been for the insistence of certain individuals in the administration to go ahead with these projects because of their ultimate use as power projects, they could not find any earthly reason to justify them as flood-control projects. As a matter of fact, the opinion prevailed that they were going at the flood-control problem exactly in reverse; that it could better be solved by little dams controlling the upstream water instead of dams on the major rivers, as in the case of the White River.

Mr. TERRY. Will the gentleman yield?

Mr. PLOESER. Not just now. The gentleman had time before and refused to yield to me. If I can spare a minute at the end, I will be glad to yield to the gentleman.

Mr. Speaker, it has come to our attention—and I am repeating this—that the experts on power in the War Production Board have completed a survey which is being withheld for the time being, until the Congress disposes of this bill, which will bring forward the fact that the projects already under way and now in use will by the completion of the year 1944 produce a surplus of 70 percent in all of the power needed to carry on not only the war industries but all the civil use of power which might be expected between now and the close of 1944.

While we see an ultimate expenditure of some ninety million dollars to one hundred million dollars in these two projects, I think it is only reasonable to assume that ultimately, as in many, many other projects, they might well cost two or three times that amount. The history of the past bears that out, and my time does not permit me to give specific examples.

There are power facilities that have been completed in years past in this

area that are not used to their full capacity this very day.

It has been implied that the people of Missouri in opposition to these dams are against progress.

I think I could justly say for the people of the State of Missouri that we are not against progress. Goodness knows it does not take the State of Mississippi to show us, the people of Missouri, progress. We are not against progress. Power development went ahead out in that region, far ahead of some of the power development you have been talking about today. I for one am not opposed to the development of our natural resources for power, even public power, but I am bitterly opposed to the inconsistency here of loading on the backs of the taxpayers every dollar of tax burden they can possibly stand and then wasting that money instead of spending it for direct and immediate war purposes.

[Here the gavel fell.]

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. POWERS].

Mr. POWERS. Mr. Speaker, so that we shall know exactly what we are doing, I am going to state this proposition bluntly and honestly. We are going to have a vote very shortly on the motion offered by the gentleman from Arkansas to recede and concur in Senate amendment No. 2. If this motion prevails, it will mean that the taxpayers of this Nation will have another $100,000,000 thrown down the old proverbial rathole.

Senate amendment No. 2 will obligate the Congress of the United States to spend approximately $90,000,000 on Bull Shoals and Table Rock. The other four projects in Senate amendment No. 2 probably amount to about $8,000,000, so there is about $100,000,000 in all.

I am going to devote these few moments to a discussion of Table Rock and Bull Shoals. If you will recall, on March 11 I spoke against these two projects and the House voted both of them out of the bill. I asked you at that time if you really knew in terms of income tax what $90,000,000 was, and this is what I said on March 11:

> I wonder if every Member of this House knows what $90,000,000 means? It would take the entire income tax paid by all Members of the House and Senate—at the rate of $1,000 or more per year per Congressman—for a period of 45 years to pay out $90,000,000.
>
> I wonder also what the average taxpayer understands by $90,000,000 in terms of his own income tax? Assuming an average tax of $50 a year, under the present rate, for taxpayers earning $2,500 a year it would take the total income tax from 20,000 of these taxpayers over a period of 90 years to equal $90,000,000.

Mr. Speaker, these two projects, providing the rainfall is great enough, will come in as power projects in 1945 and 1946. These two projects will come into production of power in 1945 and 1946 providing priorities are given and they can be built. We know the priority situation today, and those of us who are thinking in terms of priorities feel that priorities will not be granted for these projects and they will not even be completed by 1950.

Mr. Speaker, this is the same old story of the House voting out of a bill certain items and the Senate putting them back in without a word of justification, without a word of debate, merely putting the items back in the bill. If these two projects are national defense projects, Heaven help us. I hope the motion of the gentleman from Arkansas is voted down.

[Here the gavel fell.]

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. ELLIS].

Mr. ELLIS. Mr. Speaker, I placed in the Appendix of the RECORD at page A1183 two letters from Jesse Jones and Donald Nelson denying a synthetic rubber plant to the Arkansas area because of power shortage. The gentlemen who say there is no power shortage in that area do not know what they are talking about. We have a desperate and drastic power shortage there. That is the reason the Defense Plant Corporation is having to build a 120,000-kilowatt steam-power plant out there to supply its aluminum plant. There is no power available elsewhere.

The gentleman from New York [Mr. TABER] said that Table Rock did not have a Budget estimate. It did, of $6,500,000, and the Senate cut it to $2,106,000.

The gentleman from Missouri [Mr. COCHRAN] said there were no hearings held in the Senate on these projects. There were. I for one was there and testified before the committee. Here are the hearings. The Army engineers were present and testified.

Mr. TABER. Mr. Speaker, will the gentleman yield, because there ought to be a correction made there?

Mr. ELLIS. I yield to the gentleman from New York.

Mr. TABER. The Army engineers testified only on those two projects; they did not testify on the other four.

Mr. ELLIS. I say they did, and I have the hearings here.

Mr. TABER. I have them here, too.

Mr. ELLIS. I have just finished reading the testimony.

The gentleman from Kansas [Mr. WINTER] stated that the power companies were ready to supply a great amount of power out there to the Aluminum Co. That is not correct. The gentleman is wrong. The shortage still prevails in that area, even though we have the manganese, the bauxite, the lead, the zinc, and the mercury lying idle and undeveloped there, mostly because we do not have sufficient power.

It is most unfortunate that the parliamentary situation was such that the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. SNYDER] had to agree with the gentleman from New Jersey [Mr. POWERS], who objected, that the House conferees would bring this amendment back in disagreement in order to get a conference at all. Actually, a majority of the committee favors this Senate amendment. The gentleman from Pennsylvania [Mr. SNYDER] has said he is for the Bull Shoals project, and that he asks the House to disagree only because of the parliamentary situation.

The Senate wisely wrote back into this bill $16,700,000 to start Bull Shoals Dam and $2,106,000 to start Table Rock Dam. The amount is still $3,394,000 below the Budget request; $3,394,000 below the request of President Roosevelt, the War Department, the Army engineers, and the Federal Power Commission.

These two great dams, to cost $50,000,000 and $37,000,000, will be self-liquidating and will ultimately cost the people nothing. They will produce 880,000,000 kilowatt-hours of firm power annually in an area where a shortage of power already exists, from the standpoint of war production. They can be almost completed in half the time it will take to construct some of the new battleships we are starting.

Again I would call to your attention the letter which Chairman Olds, of the Federal Power Commission, wrote to the gentleman from Missouri, Chairman CANNON, saying these dams are necessary to alleviate the power situation for national defense in the States of Mississippi, Oklahoma, Arkansas, and Missouri—and that since the same capacity is required to produce generators for ships as for steam, either generators for ships or for steam power must suffer, whereas generators for hydro can be obtained. And we have got to almost double the country's power capacity to meet war demands.

Again I would remind you of the Budget statement that these dams are necessary for the war effort.

I need not remind you that the corrupt Power Trust is still blitzkrieging the Congress against these dams.

Some will vote against them because the Power Trust does not want them; some will vote against them because President Roosevelt wants them; some will vote against them to save some money. I hold in my hand a copy of last night's Star, in which you, no doubt, read that yesterday the president of the Union Electric Co. of Missouri was sentenced to 2 years in prison and fined $10,000 for corrupting the elections and certain public officials of Missouri, and the company itself was fined $80,000. A vote against the substitute motion is a vote for this and other corrupt power companies of those States.

A vote against these dams because Mr. Roosevelt has asked for them is to shoot politics instead of bullets and bombs at the Japs.

You have already cut more than $3,000,000 from this item. To cut them out is to shoot economy at the Japs.

A vote against this substitute motion to recede and concur is a vote for Hitler and the Japs and against our boys at the front.

Our chosen leaders in this crisis tell us these dams are necessary. They are best in position to know. Who, then, will vote for our own defeat?

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. ELLIS. Yes; I yield.

Mr. LEAVY. It seems to me that every argument that has been made here today is almost identical with the argument that was made against Bonneville and Coulee and the other big dams down

in the T. V. A. Yet, today, it is admitted by all of us that they are a godsend in time of need.

[Here the gavel fell.]

Mr. SNYDER. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Arkansas [Mr. TERRY].

The question was taken; and on a division (demanded by Mr. TERRY) there were—ayes 37, noes 97.

Mr. ELLIS. Mr. Speaker, I object to the vote on the ground there is no quorum present and I make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 117, nays 202, not voting 112, as follows:

[Roll No. 51]

YEAS—117

Allen, La.	Grant, Ala.	Peterson, Fla.
Anderson, N. Mex.	Green	Pierce
	Gregory	Pittenger
Bates, Ky.	Hare	Plauché
Beckworth	Harrington	Poage
Boggs	Harris, Ark.	Priest
Boland	Hébert	Rabaut
Boykin	Hendricks	Ramsay
Bradley, Pa.	Hill, Wash.	Ramspeck
Brooks	Hull	Rankin, Miss.
Brown, Ga.	Izac	Robinson, Utah
Buck	Jackson	Rogers, Okla.
Cannon, Mo.	Jacobsen	Sanders
Cartwright	Jarman	Sauthoff
Casey, Mass.	Johnson, Okla.	Scrugham
Coffee, Wash.	Kefauver	Shanley
Collins	Kelley, Pa.	Smith, Wash.
Colmer	Kerr	Snyder
Cooper	Koppiemann	Somers, N. Y.
Costello	Lane	South
Courtney	Larrabee	Sparkman
Cox	Lea	Sutphin
Cravens	Leavy	Tarver
Creal	Lesinski	Tenerowicz
Culkin	McCormack	Terry
Dingell	McMillan	Thom
Disney	Mahon	Thomas, Tex.
Eberharter	Manasco	Traynor
Elliott, Calif.	Marcantonio	Vincent, Ky.
Ellis	Mills, Ark.	Voorhis, Calif.
Fitzgerald	Mills, La.	Weaver
Fitzpatrick	Murdock	Whelchel
Flaherty	Myers, Pa.	White
Ford, Miss.	Nichols	Whitten
Ford, Thomas F.	Norrell	Whittington
Fulmer	Norton	Wickersham
Gathings	O'Brien, Mich.	Wright
Gehrmann	Oliver	Zimmerman
Gossett	Pace	
Granger	Patton	

NAYS—202

Allen, Ill.	Carlson	Downs
Andersen, H. Carl	Carter	Duncan
	Case, S. Dak.	Durham
Anderson, Calif.	Chapman	Dworshak
Andresen, August H.	Chenoweth	Eaton
	Chiperfield	Edmiston
Andrews	Clason	Elston
Angell	Claypool	Engel
Arends	Clevenger	Englebright
Arnold	Cluett	Faddis
Barden	Cochran	Fellows
Barnes	Coffee, Nebr.	Fenton
Bates, Mass.	Cole, N. Y.	Fish
Baumhart	Cooley	Fogarty
Beiter	Copeland	Folger
Blackney	Crawford	Forand
Bland	Crosser	Ford, Leland M.
Bloom	Crowther	Gamble
Bonner	Cunningham	Gerlach
Boren	Curtis	Gibson
Bryson	D'Alesandro	Gilchrist
Bulwinkle	Davis, Ohio	Gillie
Burdick	Dewey	Graham
Burgin	Dirksen	Grant, Ind.
Butler	Ditter	Guyer
Camp	Dondero	Gwynne
Canfield	Doughton	Haines
Hall, Edwin Arthur	Maciora	Sasscer
	Martin, Iowa	Satterfield
Hall, Leonard W.	Martin, Mass.	Scanlon
	Mason	Schuetz
Halleck	May	Scott
Hancock	Meyer, Md.	Secrest
Harness	Michener	Shafer, Mich.
Harter	Mitchell	Sheppard
Heidinger	Monroney	Sikes
Hess	Moser	Simpson
Hill, Colo.	Murray	Smith, Maine
Hinshaw	Nelson	Smith, Ohio
Hobbs	O'Brien, N. Y.	Smith, Va.
Hoffman	O'Connor	Smith, W. Va.
Holbrock	O'Hara	Smith, Wis.
Hope	O'Leary	Spence
Hunter	O'Neal	Springer
Imhoff	O'Toole	Stearns, N. H.
Jenkins, Ohio	Paddock	Stefan
Jennings	Pearson	Stevenson
Jensen	Pheiffer, William T.	Sullivan
Johns		Sweeney
Johnson, Calif.	Ploeser	Taber
Johnson, Ill.	Plumley	Talbot
Johnson, Ind.	Powers	Talle
Johnson, W. Va.	Randolph	Thill
Jones	Rankin, Mont.	Tibbott
Jonkman	Reece, Tenn.	Van Zandt
Kean	Reed, Ill.	Vorys, Ohio
Kee	Reed, N. Y.	Wadsworth
Keefe	Rees, Kans.	Ward
Kilday	Rich	Wasielewski
Kinzer	Rizley	West
Knutson	Robertson, N. Dak.	Wigglesworth
Kunkel		Williams
Landis	Robertson, Va.	Winter
Lanham	Robsion, Ky.	Wolcott
LeCompte	Rockefeller	Woodruff, Mich.
McGehee	Rockwell	Woodrum, Va.
McGregor	Rodgers, Pa.	Young
McIntyre	Rogers, Mass.	Youngdahl
McLaughlin	Rolph.	
Maas	Russell	

NOT VOTING—112

Baldwin	Hart	O'Day
Barry	Hartley	Osmers
Beam	Healey	Patman
Bell	Heffernan	Patrick
Bender	Holmes	Peterson, Ga.
Bennett	Hook	Pfeifer, Joseph L.
Bishop	Houston	
Boehne	Howell	Richards
Bolton	Jarrett	Rivers
Bradley, Mich.	Jenks, N. H.	Romjue
Brown, Ohio	Johnson, Luther A.	Sabath
Buckler, Minn.		Sacks
Buckley, N. Y.	Johnson, Lyndon B.	Schaefer, Ill.
Burch		Schulte
Byrne	Kelly, Ill.	Shannon
Byron	Kennedy, Martin J.	Sheridan
Cannon, Fla.		Short
Capozzoli	Kennedy, Michael J.	Smith, Pa.
Celler		Starnes, Ala.
Clark	Keogh	Steagall
Cole, Md.	Kilburn	Stratton
Cullen	Kirwan	Sumner, Ill.
Davis, Tenn.	Kleberg	Sumners, Tex.
Day	Klein	Thomas, N. J.
Delaney	Kocialkowski	Thomason
Dickstein	Kramer	Tinkham
Dies	Lambertson	Tolan
Domengeaux	Lewis	Treadway
Douglas	Ludlow	Vinson, Ga.
Drewry	Lynch	Vreeland
Eliot, Mass.	McGranery	Walter
Flannagan	McKeough	Weiss
Gale	McLean	Welch
Gavagan	Maciejewski	Wene
Gearhart	Magnuson	Wheat
Gifford	Mansfield	Wilson
Gillette	Merritt	Wolfenden, Pa.
Gore	Mott	Wolverton, N. J.
Harris, Va.	Mundt	Worley

So the motion was rejected.

The clerk announced the following pairs:

On this vote:

Mr. Luther A. Johnson for, with Mr. Thomason against.

Until further notice:

General pairs:

Mr. Bell with Mr. Holmes.

Mr. Flannagan with Mr. Treadway.

Mr. Gore with Mr. Wolverton of New Jersey.

Mr. Kelly of Illinois with Mr. Bennett.

Mr. Cole of Maryland with Miss Sumner of Illinois.

Mr. Gavagan with Mr. Thomas of New Jersey.

Mr. Kleberg with Mr. Gillette.

Mr. Burch with Mr. Douglas.

Mr. Clark with Mr. Wolfenden of Pennsylvania.

Mr. Vinson of Georgia with Mr. Lambertson.

Mr. Steagall with Mr. Baldwin.

Mr. Harris of Virginia with Mr. Day.

Mr. Keogh with Mr. Hartley.

Mr. Boehne with Mr. Jenks of New Hampshire.

Mr. Kocialkowski with Mr. Wilson.

Mr. Hart with Mr. Gifford.

Mr. Martin J. Kennedy with Mr. Short.

Mr. Patman with Mr. Gale.

Mr. Weiss with Mr. Osmers.

Mr. Peterson of Georgia with Mr. Bender.

Mr. Starnes of Alabama with Mr. Kilburn.

Mr. Richards with Mrs. Bolton.

Mr. Patrick with Mr. McLean.

Mr. Rivers with Mr. Tinkham.

Mr. Sumners of Texas with Mr. Bradley of Michigan.

Mr. Drewry with Mr. Mott.

Mr. Domengeaux with Mr. Stratton.

Mr. Cullen with Mr. Wheat.

Mr. Dies with Mr. Brown of Ohio.

Mr. Heffernan with Mr. Mundt.

Mr. Dickstein with Mr. Bishop.

Mr. Celler with Mr. Welch.

Mr. Houston with Mr. Howell.

Mr. Romjue with Mr. Vreeland.

Mr. Sabath with Mr. Jarrett.

Mr. Tolan with Mr. Gearhart.

Mr. Delaney with Mr. Buckler of Minnesota.

Mr. Walter with Mr. Capozzoli.

Mr. Barry with Mr. Hook.

Mr. Bean with Mr. Michael J. Kennedy.

Mr. Kramer with Mrs. Byron.

Mr. Byrne with Mr. Healey.

Mr. Schulte with Mr. Joseph L. Pfeifer.

Mr. Buckley of New York with Mr. Kirwan.

Mr. Lewis with Mr. Eliot of Massachusetts.

Mr. Klein with Mr. McKeough.

Mr. McGranery with Mr. Lynch.

Mr. Ludlow with Mr. Maciejewski.

Mr. Worley with Mrs. O'Day.

Mr. Mansfield with Mr. Merritt.

Mr. Lyndon B. Johnson with Mr. Schaefer of Illinois.

Mr. Sheridan with Mr. Wene.

Mr. Smith of Pennsylvania with Mr. Shannon.

Mr. Sacks with Mr. Magnuson.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House further insist upon its disagreement to the Senate amendment.

The motion was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF THE INTERIOR APPROPRIATION BILL, 1943

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6845) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1943, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6845, the Department of the Interior appropriation bill, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk has read down to the national parks, page 104, line 11.

Mr. TABER. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the subcommittee a question. I propose to offer amendments reducing the amounts of the maintenance charge for each individual park 10 percent. I would much prefer to offer one amendment covering the whole picture than to offer individual amendments. I am wondering if, when we get to the first item, it would be agreeable to the committee that unanimous consent be granted for that purpose?

Mr. JOHNSON of Oklahoma. Mr. Chairman, I think that that will be perfectly agreeable. However, I wish it to be plain that the committee does not agree to any such proposed deduction.

Mr. TABER. I am asking only as to procedure; I am not asking the gentleman to commit himself as to the amendment.

Mr. JOHNSON of Oklahoma. I think that procedure will expedite the consideration of the bill, and that will be perfectly agreeable. I remind the gentleman, however, that the Park Service has been cut more than 60 percent now. It has been cut more than any one of the 26 agencies. Our Republican friends on the committee played a major role in writing the bill, as far as the Parks Service is concerned, and if our friends across the aisle wish to turn on their own handiwork it is welcome to do so.

Mr. TABER. I think it will appear perfectly fair that the cut to the maintenance and administration of the individual parks will be of benefit not only to the Park Service but to the public.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

How much does the 10-percent cut the gentleman is suggesting amount to in the aggregate?

Mr. TABER. About $300,000.

Mr. LEAVY. And that applies to a single activity in the Park Service?

Mr. TABER. It applies only to the items with reference to the maintenance of individual parks.

Mr. LEAVY. I think it is highly desirable in the interest of saving time and would accomplish whatever we would if we considered them separately. I am not in accord with the gentleman's views about making the cut.

Mr. TABER. That is a matter for discussion. What I am talking about is the matter of procedure.

Mr. LEAVY. I think it is desirable.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. RICH. If we should take up the individual items, we would have quite a good deal of amendments, and it would take a long time, and if we are permitted to make this one item, I think it will be the sense of the House that we could cut down 10 percent on the Park Service without injury to the Service whatever. It would be a good thing for the taxpayers and for the Service. I hope the amendment to be offered by the gentleman will be adopted.

Mr. JOHNSON of Oklahoma. Mr. Chairman, we have agreed to the procedure, but if the gentleman from Pennsylvania and others keep discussing the matter, we might be tempted to withdraw our agreement.

Mr. VINSON of Georgia. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Chairman, the House and the country is very much concerned with a bill pending before the Naval Affairs Committee, which deals with very important subject matters, namely, the limitation of profits, the question of the 40-hour-week suspension, and the question of the closed shop. For the last 10 days the Naval Affairs Committee has been conducting hearings from 10 o'clock in the morning until 5 o'clock in the afternoon. A great many witnesses have already testified and there are requests from a great many other witnesses to be heard. For instance, just a few moments ago I had a communication from a shipbuilder on the Pacific coast, who is anxious to appear before the committee. The committee is doing everything humanly possible to expedite the matter, but at the same time the importance of the legislation requires a most careful study and investigation. I find that it will probably not be possible for the committee to present a bill to the House dealing with this subject matter or dealing with any phase of it between now and the 13th day of April. By that time I am hoping that on that date the Naval Affairs Committee may be in a position to lay before the House a bill dealing with these matters that I have briefly spoken about. I make this statement, Mr. Chairman, so that Members of the House and the country may be advised with reference to it.

[Here the gavel fell.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

Acadia National Park, Maine: For administration, protection, maintenance, and improvement, including $3,000 for George B. Dorr as superintendent without regard to the requirements of the provisions of the Civil Service Retirement Act approved May 22, 1920 (5 U. S. C. 691-693, 697-731), as amended, $3,000 for temporary clerical services for investigation of titles and preparation of abstracts thereof of lands donated to the United States for inclusion in the Acadia National Park, and not exceeding $1,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $51,215.

Mr. TABER. Mr. Chairman, I wish to make a unanimous-consent request. I ask unanimous consent that it may be in order at this time to offer an amendment relating to the items beginning on page 105, line 19, and extending through and including the item on page 112, line 23.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. JOHNSON of Oklahoma. Reserving the right to object, will the gentleman explain the purpose of the amendment?

Mr. TABER. The purpose is to offer an amendment which will reduce each of these items 10 percent; offer it as one amendment.

Mr. RANKIN of Mississippi. That is just a horizontal reduction?

Mr. TABER. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. TABER].

The Clerk read as follows:

Amendment offered by Mr. TABER:

Page 106, line 6, strike out "$51,215" and insert "$45,715."

Page 106, line 16, strike out "$20,385" and insert "$18,380."

Page 106, line 18, strike out "$105,260" and insert "$94,760."

Page 106, line 24, strike out "$88,870" and insert "$80,000."

Page 107, line 9, strike out "$198,480" and insert "$179,000."

Page 107, line 15, strike out "$128,535" and insert "$115,700."

Page 107, line 25, strike out "$31,420" and insert "$28,200."

Page 108, line 6, strike out "$114,130" and insert "$102,700."

Page 108, line 12, strike out "$64,070" and insert "$57,600."

Page 108, line 18, strike out "$75,150" and insert "$67,900."

Page 108, line 20, strike out "$28,520" and insert "$25,850."

Page 108, line 25, strike out "$37,555" and insert "$33,750."

Page 109, line 8, strike out "$57,990" and insert "$49,200."

Page 109, line 13, strike out "$80,900" and insert "$72,900."

Page 109, line 19, strike out "$64,570" and insert "$58,160."

Page 109, line 25, strike out "$27,610" and insert "$24,900."

Page 110, line 6, strike out "$146,275" and insert "$131,850."

Page 110, line 12, strike out "$62,290" and insert "$56,090."

Page 110, line 18, strike out "$20,225" and insert "$18,220."

Page 110, line 24, strike out "$105,665" and insert "$95,165."

Page 111, line 8, strike out "$133,780" and insert "$120,480."

Page 111, line 14, strike out "$101,405" and insert "$91,105."

Page 111, line 20, strike out "$23,600" and insert "$21,300."

Page 112, line 5, strike out "$449,530" and insert "$404,600."

Page 112, line 17, strike out "$317,690" and insert "$286,000."

Page 112, line 23, strike out "$44,090" and insert "$39,600."

Mr. TABER. Mr. Chairman, I have offered this amendment for the purpose of cutting down the amounts required for administration, maintenance, and improvement of the national parks. With the exception of the Acadia Park, which I think is the first one, the cuts by the committee have been very small. The cuts over last year's bill have ranged from 2 to as high as 13 or 14 percent. The average would be about 3 or 4 percent, the way I remember it. I have not touched any of the monuments; I have simply covered the parks. The situation is just this: Last year 8,000,000

people visited the parks. This year down to the time the automobile restrictions went on the park attendance was about the same as last year to a comparable date—perhaps a little increase. It is perfectly apparent to all of us when we come to consider that people are not going to have automobiles to run around with that the attendance at these parks will be divided by 4; it probably will be way below that. We probably would be justified if we came here and asked for a 25-percent cut in the maintenance and operation of these parks. I am saying this not as one who is particularly critical of these parks, because I believe they are great institutions, but because of the reduced requirements resulting from much smaller attendance it will not be necessary to have so much help around looking after the visitors. I feel that this is a very modest request and one clearly in accord with sound administrative policy. I hope the committee will adopt this amendment and save approximately $300,000. I think this is as much as one need say on the subject. Frankly, I do not see how anyone who takes a position in favor of sound administration can criticize my stand.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CASE of South Dakota. I think there is much in what the gentleman said about the reduction of travel, but I am wondering if this amendment should carry—whether further legislation would be necessary to permit the park employees to be reassigned to other duties? I have in mind the fact that the Classification Act fixes the type of work certain employees may do, and it seems to me that to apply a reduction of this sort to the National Park Service may require some further action by Congress to overcome limitations.

Mr. TABER. There will be fewer employees, resulting from the draft and because some of them will seek other employment. We have here, for instance, the Hawaiian park, which I put in the same category with the others. This is a fine park, but practically all of it has been taken over by the Army.

Mr. CASE of South Dakota. No doubt they will lose many employees, but the question is whether the reduced personnel can be reassigned to certain duties without some change of the Classification Act.

Mr. TABER. Oh, yes; I do not believe there is any question about that.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. DONDERO. Will this in any way affect the ability of the Government to keep up the parks or to administer them?

Mr. TABER. As I understand, about half the park employees have been required to look after visitors and to take care of them during the peak of the season. The volume of tourist travel is going to drop off and this in itself will release quite a number of employees to carry on maintenance and administration. I do not believe it will interfere with the protection and upkeep of the parks at all.

Mr. DONDERO. And the upkeep of the parks will be that much less.

Mr. TABER. Certainly.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The following gentlemen have asked for recognition on this amendment: Messrs. ANDERSON of New Mexico, MCINTYRE, JONES, LEAVY, SCRUGHAM, and RICH. Each gentleman will be recognized for 2½ minutes.

The Chair recognizes the gentleman from Nevada [Mr. SCRUGHAM] for 2½ minutes.

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish to emphasize that attendance at the national parks has been increasing, that up to the 1st of March of the present year the increase over a similar period of last year has been 4.29 percent, and more than ° months of this has been since the tire-rationing order went into effect. Let me point out further and emphasize the fact that the park system is being extensively used to give to the service men facilities for recreation and rest. Three hundred and thirty-eight service men visited the parks in the last 8 months and this number will probably increase. Almost all of the parks are located near some military camp.

The next important thing about this proposed cut is that the maintenance force in the parks has already been cut to the bone. If you will read the list commencing on page 39 of the report, you will find that with few exceptions each and every park has received a more or less drastic cut, depending somewhat on the location. The Park Service altogether has been reduced from some $14,000,000 last year to some $5,000,000 as a total for the next fiscal year.

The additional cut as proposed will seriously injure our national park system for the reason that the crews they have now for maintenance and supervision are necessary, primarily for fire protection and for protection against vandalism. Any cut such as proposed by the gentleman from New York will, in my opinion, seriously injure the efficiency of the park service system. In justice to this splendid and efficient organization, I ask the Members to vote against the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico [Mr. ANDERSON].

Mr. ANDERSON of New Mexico. Mr. Chairman, I too rise in opposition to the amendment offered by the gentleman from New York [Mr. TABER], and desire to point out to the Members of the House that the Carlsbad Caverns, included in this appropriation, took in last year $352,000 as against an appropriation of $110,000, a net profit to the Government for its park system of $242,000, in connection with a park which was given to the Government by the State of New Mexico after that State had acquired it through appropriations. If you cut this appropriation still further, you merely increase the profit to the United States Government.

I call your attention also to the fact that this park is located in a portion of the United States where there are a tremendous number of military camps. A great many soldiers are quartered in Texas and in New Mexico. Those boys have been making use of the park facilities this year as they have never been used before.

This appropriation has already been reduced at a time when more people are coming to the park. I submit it is not fair to the State and to the people who gave this park to the United States Government, if you try to make more of a money maker out of it when it is already producing a quarter of a million dollars of net revenue every year.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. JONES].

Mr. JONES. Mr. Chairman, these items may well be cut by the amendment offered by the gentleman from New York [Mr. TABER], because these Budget estimates were made before the Pearl Harbor debacle was fully realized. Since that time we have learned of the restrictions—one, the curtailment of the production of automobiles; two, the freezing of tires, due to the fall of the Dutch East Indies. This is very acute.

All of this means that fewer people will go to the parks. Look at the personnel provided for each one of these individual parks. There are 45 on the pay roll in the Carlsbad Caverns Park. Cut 10 percent off the manpower in that park, and will it close up? You will still have enough people there to run the park and to entertain the soldiers. Go down through every one of them.

Here is the park at Crater Lake, Oreg., in which there are 22 positions, involving an expenditure of $48,247. Will 10 percent close that park?

Let us take Glacier National Park, 61 positions, total of $126,000. Will a cut of 10 percent close that park? Can they not still entertain, with the restricted travel and the restricted rubber supply, the number of people who will come to these parks?

I submit also that in the over-all administration of the parks there has not been enough of a cut in Washington in comparison with the cuts that have been made throughout the bill. These items could stand a cut in addition to what the gentleman's amendment provides.

In the final analysis, Mr. Chairman, these 10-percent cuts will release a number of men for productive work to help deliver enough goods soon enough to the boys who bare their breasts for their country. It is later than you think.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, certainly we can make cuts in the National Park Service without interfering at all with the handling of the affairs of the national parks. They will go on just the same and without any difficulty or impairment in service to the public.

You have heard gentlemen on this side of the aisle speak about the cut we have made in the appropriations for the national parks. Let me show you what we cut. Out of the total appropriation we cut off $9,287,410 from last year. Here is what we cut out of it: Roads and trails, $2,820,150; Blue Ridge Parkway, $5,735,765; physical improvements, $293,740; Travel Bureau, $65,180; and monuments, $23,800; and I have not given them all to you. This makes a total of $8,914,000. Deduct that from the total cut of $9,287,410, and you will see that we have only cut all the other items in the bill, and I did not include all the cuts, $273,375.

We have not cut this bill nearly enough. We ought to cut these items 20 percent instead of 10 percent, as provided by the amendment offered by the gentleman from New York [Mr. TABER].

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Will the gentleman tell the House what harm there would be in closing these parks altogether for the duration?

Mr. RICH. I am not in favor of closing the parks. I think we ought to keep them up, but look at the money we have appropriated here. As I just said, instead of cutting them down 10 percent, we ought to cut them 20 percent. We are hoping that we will get enough Members here to put a little efficiency into the operation of these parks. We just want to cut out the waste and extravagance; that is all we are trying to do now. We ought to do more.

Mr. SMITH of Ohio. Would not the people have a little more money to buy defense bonds?

Mr. RICH. Certainly they would.

Mr. GRANGER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Utah.

Mr. GRANGER. I suppose the gentleman heard the testimony that was given before the committee. Was any evidence given to indicate that the number of those who visited the parks would have anything to do with the maintenance of the parks?

Mr. RICH. Yes; you get revenues from the parks but your expenses are greater than your revenues. I want to economize in the operation and by economy we can keep from raising that much more revenue. It is an efficiency amendment.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. LEAVY].

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Montana.

Mr. O'CONNOR. Yellowstone National Park is the oldest national park in the United States. It takes in almost as much as is paid out. It has an acreage of approximately two and a quarter million acres, covered by the finest growth of timber, pines, and so forth, you have ever seen. If any cut is made in the item for operation and maintenance and looking after that park, that is what may happen. During the hot, dry months of July, August, September, and October fires may break out—and this may be a good year for them to be started in some underhanded way—and they may destroy this entire area.

Mr. LEAVY. I may say to the gentleman generally that I am very much opposed to this cut, and I propose, if I can in the limited time I have, to show how disastrous it would be not alone to the park to which the gentleman refers but to all the 26 national parks

Mr. O'CONNOR. What I say has application also to Glacier National Park. It would be a horrible mistake to cut down the operating expenses of those parks, particularly this year.

Mr. LEAVY. It applies to all the parks.

May I state that in the first instance I was favorable to this type of amendment, because it is a great time saver, but like all blanket amendments, you can never know that you are doing the right thing or that you are not doing the wrong thing by either supporting or opposing it.

Mr. TABER. If the gentleman will yield, will the gentleman tell us some particular instance where he is sure we would be doing the wrong thing?

Mr. LEAVY. I propose to do that.

This budget was made up by the Park Service prior to Pearl Harbor. After Pearl Harbor, they made further reductions. If you will turn to page 607 of the hearings, you will find that they state they have curtailed every regular maintenance and operation activity to a minimum, and that this reduction will require postponement of all road work, parkway work, and all trail construction work. They further say:

> In recognition of our responsibility in the war effort, the National Park Service plans to save $302,295 in its current appropriations by curtailment of expenditures.

Then they discuss the 26 parks. I am not going to refer to all of them because my time is limited, but you will find that without exception, including the elimination of roads and parkways, every park was cut from 5 to 20 percent.

Then you find that if we were to make another 10-percent cut, such cut could readily be the difference between the total destruction of a park or the saving of it.

I am surprised that any Member of Congress would even think of suggesting that we close the parks. The parks represent assets running into the hundreds of millions of dollars. Last year 21,050,000 American citizens went into these parks and came out of them better men and women and better Americans. This year there may be some reduction in the number of persons who go into the parks, but there will still be a large number of visitors to the parks.

Many of the Army camps are now being placed in the West so that they can make use of the parks.

The fire hazard in the parks just as in the forests this year will be greater than it has ever been. Can we think for a moment of taking $340,000 or $350,000 out of this bill and thereby probably destroying in whole or in part one of the greatest assets we have, the national parks, an asset recognized by every nature lover and, I think, even by those who do not love nature? America without its magnificent national parks, would have lost one of its greatest charms.

The gentleman from New York, [Mr. TABER] has been active in the 6 years I have been here in Congress in the matter of reducing appropriations and saving money. In this particular amendment he would not effect an economy, but might destroy these parks. He left out all the monuments. If he had proposed to cut 10 percent off the appropriations for all the monuments then, of course, he would have gone into practically every congressional district in the country and his amendment would have had no chance at all.

Mr. RICH. If the gentleman will yield, I may say that we are going to offer an amendment as to the monuments.

Mr. LEAVY. Many of these parks are actually money makers. Mammoth Cave National Park produces considerably more in revenue than the whole item for that park. The same is true with Carlsbad, Yellowstone, and a number of others. It would be a calamity to have this amendment prevail, because none of you believe that we ought to destroy a great national asset.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 48, noes 51.

Mr. TABER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. JOHNSON of Oklahoma and Mr. TABER.

The Committee again divided; and the tellers reported that there were—ayes 62, noes 71.

So the amendment was rejected.

The Clerk read as follows:

> National monuments: For administration, protection, maintenance, improvement, and preservation of national monuments, including not exceeding $3,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the custodians and employees in connection with general monument work, $334,625.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. RICH: On page 113, line 5, strike out "$334,625" and insert "$301,263."

Mr. RICH. Mr. Chairman, this is to cut 10 percent off of the funds for the operation of the national monuments. We just had an amendment a few moments ago to knock off 10 percent from the national parks. All the Republicans, I think, voted for that economy, four or five Democrats voted with us, but we went down to defeat. It was not an ignominious defeat, it was a glorious defeat, because it showed that practically all of the Republicans are for economizing in the operation of the Government. I would like to know how the Democrats are all going back home and show their peo-

ple how they tried to economize. If each one of you Democrats is going to say that he was one of the three or four who voted for that economy, you are going to get all mixed up and you are going to have a terrible time to explain. I charge this administration as being the most extravagant in the history of our country.

Mr. Chairman, they do not like it on the Democratic side and the country will not like it, either. You will find today that the country is not going to like the fact that all of you voted to keep in the amount recommended for the operation of these parks. The people of this country are going to be compelled to work and work and work, and they are not going to have an opportunity to go to these parks. When you keep all the men at work in these parks you are going to have to account to your constituents for the amount of your expenditures on them.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to my colleague from Michigan.

Mr. MICHENER. While the gentleman is lecturing, let him call the attention of the House and of the country to the fact that all of this money to operate these pleasure parks must be borrowed and the Government must issue bonds and go into debt for every dollar appropriated. These parks are fine and should be developed when we can afford it. This expenditure is not essential at this time. It may be desirable in peacetime, but the committee well knows that these parks will have very few visitors next year. The operating personnel will be needed in the grim business of war. It seems unthinkable that the committee is insisting on the country borrowing money and selling bonds to pay the employees in these parks who will not be needed next year.

Mr. RICH If this were for the operation of the Government or for an essential activity, that would be one thing, but every one of these parks has had a great deal of deadwood around, men who did not really have anything to do or enough to do to keep them busy. Yet we are maintaining this year almost the same schedule that we had last year and the year before It is just too much; it costs too much; and I know a lot of you on that side of the aisle are looking at me with an expression of rage, but that does not make any difference. I do not care what you may say about this matter; it is time for you to stop spending money and it is time for you to economize. Now I am giving you a chance. You can say all you want about me. If the people of my district do not want me to economize, then I do not want them to send me back here, because I am going to continue to fight for economy in Government operation, and I ask you again, where are you going to get the money? Only by severe taxes on your people.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the gentleman from Pennsylvania has given us another lecture on economy and, as usual, his is a masterful oration. But once again he speaks in glittering generalities. I am sure that all Members enjoy hearing him. If I wanted to be a trifle facetious, however, I might be tempted to say that we could save some money by having less talking done on this floor and a little more action in and by the committee. I am sure the gentleman knows what I mean. The record shows I demanded and consistently supported every possible economy in the committee. If the gentleman makes any more economy speeches, I might be tempted to remind the gentleman from Pennsylvania about the only increase in the pending bill above Budget estimates is the $2,800,000 in three reclamation items. These rather marked increases were placed in the bill because the gentleman joined in raising the bill that amount above the Budget estimate.

Mr. RICH. Name the item.

Mr. JOHNSON of Oklahoma. Surely the gentleman remembers. Surely his memory has not suddenly failed him. Does the gentleman deny that he helped "up" this bill to the tune of $2,800,000?

Mr. RICH. I ask the gentleman to name the item that I helped to increase.

Mr. JOHNSON of Oklahoma. Oh, well, if the gentleman insists on forcing me to show that he talks economy here and votes for items to the tune of $2,800,000 without a sign of a Budget estimate, I can sure call his hand.

Mr. RICH. Just name one. The gentleman cannot do it.

Mr. JOHNSON of Oklahoma. Well, since the gentleman asks for it, here goes. If the gentleman will forget his economy lecture for a moment and turn to the hearings he will recall, I am sure, some very splendid reclamation projects in the West. One of such projects is the All-American Canal. I am not criticizing the gentleman for joining in the move to raise that one item a cool million dollars. I am simply calling the gentleman's hand, or should I say "bluff"?

On the other hand, in my own State, where there is only one reclamation project—the Altus-Lugart project—I did not demand extra funds for that worthy project. It had about $600,000 last year. This year the Budget reduced the item to $100,000. Certain members of the committee hinted that they might give my State a little mite above the Budget estimate. Well, no additional funds for Oklahoma are in this bill. I did not assume a dog-in-the-manger attitude. I did not say, "Give me mine, war or no war." My skirts are clean. Is that not correct? Does the gentleman deny that? Have I called the gentleman's hand? Just who is really for economy, anyway? Does the gentleman wish for me to give him further details? I wait for the gentleman to enter his denial or make his confession.

Now, as to the appropriation for national monuments, the Bureau of the Budget cut this item $23,800 below what they had last year, a sizable reduction

And then the committee cut it $10,755 below the Budget estimate. Again I remind gentlemen that the Park Service was reduced more than any other of the 26 agencies in the entire bill. This deep cut was made on an implied promise, at least, of some real cooperation from the other side of the aisle. If the kind of sniping we have had at the bill is the gentleman's idea of cooperation, then we have no complaint, except to insist the gentleman save his lectures on cruel economy for some future time and to someone else. I might add that neither the gentleman nor his party has a corner on honesty, intelligence, or patriotism.

Mr. RANKIN of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. RANKIN of Mississippi. I was very much amused to hear the gentleman on the other side pretending that we ought to turn this Department of the Interior over to the Republicans. The last time we did that we lost Teapot Dome, and it took us years to recover it.

Mr. NORRELL. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. NORRELL. I rise to correct one statement that has been made, and that is that all of this money for Park Service operation has got to be borrowed. That is not correct. The fact is that about 50 percent of these appropriations are earned by the several parks.

Mr. JOHNSON of Oklahoma. Yes; the Park Service alone turned in last year several times the amount of money involved here. In fact, the exact figures are $2,179,119.

Mr. NORRELL. And in conclusion Hot Springs National Park comes nearer being self-sustaining than any other park in the country. This year it is greater than any other time.

Mr. O'CONNOR. And may I call attention to the fact that the Yellowstone Park brings in almost as much money every year as it takes to run the park.

Mr. JOHNSON of Oklahoma. That is true. There are two of the parks that turn in considerably more each year than the entire amount to operate them. I refer to Carlsbad and Mammoth Cave.

Mr. ANDERSON of New Mexico. Is it not true that Carlsbad turns in $300,000, and that it costs only $100,000 to operate?

Mr. JOHNSON of Oklahoma. That is correct; a mighty fine record.

Mr. NICHOLS. Mr. Chairman, I move to strike out the last word. I was really surprised to hear my good friend from Pennsylvania [Mr. RICH] inject politics into this debate. I know that it is awfully hard, as long as this aisle runs through the middle of the Chamber, to keep political discussion off the floor, but I also know that it is the consensus of opinion in this House that at this time politics should be kept to a glimmer, a very dim glimmer. Then for the gentleman from Pennsylvania to get up and state in the RECORD that nobody but Republicans wanted to vote for economy is cheap politics—very cheap politics. Such politics should not be practiced at this time on the floor of this House. I would not ask the gentleman from Pennsylvania to yield to me in my patriotism and love for this country, and I would not ask the Republicans to yield to the Democrats in that respect, in these days, but I do not think that either the gentleman from Pennsylvania or the Republicans of the House should ask that of the Democrats. This is a far bigger issue than the success of a party and the success of the elections next fall. It is all

right to make your individual record and let the collective individual records speak for themselves. A few days ago on a division vote, when I was a bit angry, I took the floor and said that there were only a certain number of Republicans that voted for a particular amendment.

The majority leader took me to task for that, and he was right. I should not have done it. Neither should we here on either side take unto ourselves all of the credit for economy or anything else.

I could say something about the type of amendments that have been introduced to this bill and to the Department of Agriculture appropriation bill that was considered a few days ago, where blanket, ill-advised cuts, straight down the line, were offered. But I do not think it is necessary to charge anybody with bad faith for that. I did not vote to cut out this appropriation for the national parks, and I do not have one in my district. I am just not going to support amendments, the basis of which is to cut 10 percent or 20 percent or 50 percent—some arbitrary percentage picked out of the air, just so that I can go to my people and holler, "I am a great economist." I hope I am an economist, but I hope I will temper my desire for economy with good judgment. That is what I want to do. There is such a thing as false economy. As far as I as a Democrat am concerned, I am not ashamed of the fact that a majority of the men on the right side of this aisle voted this afternoon against an amendment which would take an arbitrary cut of an arbitrary percentage straight down the line out of any appropriation. If it were necessary, I would be perfectly happy to go to the hustings of this country with the record of the Democrats against the record of the Republicans for economy or good government at any time; but I do not think we ought to be fighting that now on the floor of this House when we have a war to win.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I wonder if we cannot agree on a limitation of this debate. I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Kansas [Mr. REES], the gentleman from Wisconsin [Mr. MURRAY], and the gentleman from Ohio [Mr. JONES] will be recognized.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I would like 2 minutes to close the debate.

The CHAIRMAN. The gentleman from Wisconsin [Mr. MURRAY] is recognized.

WE NEED SOME COMMON-SENSE APPROACH TO LEGISLATION

Mr. MURRAY. Mr. Chairman, it has been interesting to note the efforts of our colleagues, the gentleman from Ohio, Hon. ROBERT JONES, the gentleman from Pennsylvania, the Honorable ROBERT F. RICH, and others, in their effort to reduce the nonmilitary expenditures in this Interior Department bill. The majority may talk economy, but they do not seem to relish it when it is offered, and they therefore must accept the responsibility of continuing unnecessary expenditures. What they do not try to cloak under the pretext of military needs they make a feeble effort to justify on the grounds of necessity. Where are the exponents of economy who made themselves so effectively vocal when the agricultural appropriation bill was up last week?

The people in general are desirous of obtaining a reduction in or a termination of nonmilitary expenditures. The people want to win this war. They are willing to make the sacrifices necessary to do so. They can see no more excuse for "certain Government agencies as usual" than they see a reason for "business as usual." The public thinks that certain Government employees should be compelled to accept other employment, if they are engaged in nonmilitary work, just as employees in private industry are compelled by the thousands to go out and find other jobs.

Millions upon millions of dollars could be saved in these bills, and still we could help the war effort instead of retard it. Why all these expenditures for operating the national parks, when people are not going to get any tires to go to the parks?

Take the appropriation for surveying new irrigation projects, as an example. There may be some excuse to complete the irrigation projects already started, but why, in the name of common sense, should we be appropriating money at this time for someone to run around and investigate an opportunity to find new lands to put under irrigation? Why should we appropriate thousands upon thousands of dollars of our grandchildren's earnings to try and find new lands to irrigate when we have millions of acres of land now under cultivation that will not be efficiently worked this year because of lack of labor to crop the land already available for production? This does not make sense.

It appears that many Members, sitting here year after year, have become so accustomed to tossing the millions and billions of somebody else's money around that they cannot cease to do so. They continue to toss the taxpayers' money out the window, even when we are faced with the greatest war in history. It is not any wonder that people are getting sick and tired of the kind of legislation we pass. It is not any wonder that the press criticizes the kind of legislation that we do pass.

Let us quit this waste and extravagance and unwarranted procedure and, at least, once and for all, get down to some common-sense legislation. I repeat, the people have the will to win this war. They do not want to waste time, money, and labor on a lot of programs that were questionable in peacetime and indefensible in wartime.

If you spenders keep on "rolling out the barrel," you will find that someone else will be having a "barrel of fun" instead of the wasters of the public funds. The people are tired of hearing about politics. They do not like to be reminded that the New Deal is more dynamic than fascism and more revolutionary than communism. They do not want to hear about the New Deal or the old deal. They want to win this war and they know that the first step to win it is to curtail all unnecessary expenditures and put all crackpot legislation in cold storage and leave it there. We must realize that an enlightened and aroused public opinion is essential to the best war effort, and necessary for the welfare of our country.

The CHAIRMAN. The gentleman from Kansas [Mr. REES] is recognized.

Mr. REES of Kansas. Mr. Chairman, I listened with considerable interest to the gentleman from Oklahoma [Mr. NICHOLS]. I do not think it makes any difference about the political side of these problems as far as Democrats and Republicans are concerned, but I do think it might be a good idea if those on the majority side of the aisle they just would not try quite so hard to defend the bill because the committee adopted in this form, but be a little more realistic about this thing. I say that to the Republican side of the aisle also. Nobody, of course, wants to injure this program. I suppose it will be like water on a duck's back to insist on a small reduction of 10 percent on this big item here for more than $300,000.

I do not think, according to the hearings as I have read them, that the $10,000 cut that was mentioned was particularly scientific, as far as that goes, but here is one part of the program that does not connect very closely with our war program. If we use a little independent judgment and save 10 cents out of every dollar on this item of more than $300,000, we would save $30,000. That is a lot of money out in my part of the United States. Of course, we will have some travel. People who have money will travel around some, but we must bend our energies now to win this war. We have 2,000,000 men in the service and we are going to put 2,000,000 more in before long. Our consideration will be given to something else than traveling and vacationing this summer, that is most of us. We can maintain these monuments and keep them in shape at least for this year and you can trim these salaries and cut out some of the help, because you will not need so much of it. Many of these men will be in the service. If not in the service, they will be needed somewhere else far more necessary right now than in this kind of employment.

All you have to do is to take 10 percent of the whole thing. The gentleman from Oklahoma [Mr. NICHOLS] suggested that this straight cut did not mean anything. It will mean a saving of $30,000 to the taxpayers of this country. That is what it will mean. The chairman of the subcommittee is not going to take the floor and tell you there has been any so-called scientific cutting in this measure. The reduction of $10,000 made by the committee does not appear to be scientific. If so, the hearings do not disclose it.

Let us be realistic now and appreciate the fact that we need this money for our war program and for guns and tanks and

airplanes far more than for activities of this kind right now. We are not asking you to eliminate even a major part of the expenditure; just 10 percent. It may have been all right to approve this item in full a few months ago, but it is not right now. It ought to be reduced more. I just do not see how or why Members on both sides of the aisle would not be glad to support the amendment. I will prophesy one thing: If this kind of legislation comes to the House a year from now, it will be a lot less than it is today. It will be reduced much more than 10 percent. We just will not have the money.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. JONES].

Mr. JONES. Mr. Chairman, I regret that the suggestion has been made that the Republican Members had agreed to this bill when it came to the floor. I served notice on the last day when we marked up the bill that there were many items I disagreed on. If the Chairman will remember on numerous occasions as we went down through the bill I said: "Let us go back to the 1932 appropriations." On numerous items that were cut down we said: "We will take so much out of travel, so much out of communications; we will make an over-all cut leaving it to the Clerk to suggest where these cuts should be made."

I call attention to another thing. Before Pearl Harbor the Secretary of the Interior asked for $349,756,568. After Pearl Harbor, that near disaster, the Bureau of the Budget cut it $50,000,000 below last year's bill. And then the Secretary of the Interior said: "You are pikers, I can find another $10,000,000 in here you can cut out." Since that time the Dutch Navy has suffered considerable losses.

Since that time the Dutch East Indies have fallen; Singapore has fallen; Bataan stands by the grace of God, General MacArthur, General Wainwright, and gallant American and Philippine troops. Boys from my district share in that honor. Every day we face new sacrifices. The American people will have to reappraise the luxuries they have had. The Secretary of the Interior has been first and foremost in calling upon the American people to do without gasoline. He urged this upon them long before there was a legitimate shortage. Every hour that we fail to gain some territory in the Pacific—yes; in the four corners of the world where our troops are stationed—we are going to have to reappraise our position on these appropriations and see if we cannot cut more; see if we cannot place more men into the war-production jobs for our armed forces. I think that indicates how this subcommittee did a $17,000,000 better job than Mr. Ickes and the Bureau of the Budget. Today I still want to cut nondefense items below the subcommittee figures.

A lot of amendments have been turned down, but next year, I promise you, we will come in here and scrape more from these items.

I want to call one other thing to your attention—that in 1941 the Interior supply bill was $155,000,000. This bill is $162,000,000 already, and the deficiency bill that will come up tomorrow carries a deficiency appropriation for the Interior Department for 1942; so I suggest we go through this bill now with a fine-tooth comb.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, the gentleman from Ohio always makes an inspiring address. The fact is he almost had me convinced until I remembered how he and some of his Republican colleagues voted in the committee to raise the bill $2,800,000 above the Budget estimate. Where was his economy then? It is quite true the gentleman did make several splendid lectures to the committee, that he did give notice there were certain items in the bill in which he reserved the right to offer amendments to cut. Nevertheless, the gentleman was one of the prime movers in adding $2,800,000 to the bill. I desire to make it plain that I am not criticising him for doing it because as I said a moment ago I believe the projects he voted for are desirable just like there are many other desirable and worth-while projects in the country. I am not saying that a dollar of that $2,800,000 will be wasted; I do not think so. I am not criticising him for it at all but merely calling attention to the fact that he is making mountains where there are not even any molehills.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 36, noes 58.

So the amendment was rejected.

The Clerk read as follows:

Boulder Dam National Recreational Area, Ariz. and Nev.: For administration, protection, improvement, and maintenance of the recreational activities of the Boulder Dam National Recreational Area and any lands that may be added thereto by Presidential or other authority, including not exceeding $800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, $91,375.

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

A CHALLENGE

Mr. HOFFMAN. Mr. Chairman, with threats of civil strife if Congress persists in making it possible for every American citizen, by his work here at home, to support the men in the fighting line, Philip Murray and William Green, presidents of the C. I. O. and the A. F. L., have challenged the courage and the patriotism of every Member of Congress.

That is a challenge which we should not delay in accepting. Hitlerism, whether it be practiced in Germany by Hitler or here in America by labor dictators, is equally unthinkable. Hitler compels men and women to work when and where he wills. Murray and Green tell us that no man or woman shall work without becoming members of their organizations and paying into their treasuries the sums they demand.

Let us for the moment forget pay and a half, double pay, the 40-hour week, and get down to the basic issue—the closed shop.

The closed shop smacks of Hitlerism. The President told us he never would force it upon the American worker. Nevertheless, through an arbitration board, with Steelman acting as his representative, he did that thing less than 20 days later.

Today 15,000 free-born, liberty-loving American citizens, if they would work here at home in support of our fighting men, are being forced to bow to the will of, and pay the price exacted by, the American Federation of Labor, or forego the jobs which are offered and which they can perform at Camp Pickett, Va. That charge is made by Governor Darden, of Virginia. It is substantiated by the investigation of State Labor Commissioner John H. Hall. We learn from his report that initiation fees and monthly dues charged to individual members of the various unions employed at Camp Pickett are as follows:

Carpenters and joiners, $30, $2; operating engineers, $30.45, $4; painters and decorators, $25, $2; teamsters and truck drivers, $10, $2.25; electrical workers, $25, $5; sheet-metal workers, $50, $2.50; glaziers, $25, $2; plumbers and steamfitters, $55, $2.50; asbestos workers, $100, $3; elevator constructors, $200, $2.50; iron workers, $12.75, $4.50; metal lathers, $50, $2.50; cement finishers, $100, $2; laborers, $6, $1.50.

Yesterday it was that Green and Murray, presidents of the A. F. L. and the C. I. O., according to the press, told the American people that, if they insisted upon exercising their God-given, their constitutional right to assist in the defense of their country without meeting the demands of these two unions, civil strife would come to this land of ours.

Here are two men, spokesmen for two organizations—two organizations which insist that only their members shall be gainfully employed—threatening to start a civil war here at home, while the Nation is sending hundreds of thousands of its finest young men to fight and die on every continent, on every sea, the world over.

Yes, cowards and lacking in patriotism are we, if we fail to meet this challenge without further delay.

Philip Murray, testifying before the House Naval Affairs Committee in opposition to labor legislation, said:

That the committee had the responsibility of correcting misinformation that has been sponsored and fostered by antilabor groups * * * and of rebuking once and for all those in public life and in private life who are attempting to disrupt and divide our Nation into groups.

The only individuals, the only groups, whose activities disrupt and divide our Nation on this question are Mr. Murray and Mr. Green and those who with them

contend that their organizations shall have a monopoly of defense work.

Said William Green on the same occasion, and I quote:

> I charge that the sponsors and supporters of this bill are now waging an undeclared war against President Roosevelt and against the workers of America who believe in the policies of his administration.

How absurd is that statement in view of the record of these two labor organizations.

Who was it who, in 1937, invaded the State of Michigan and with armed goon squads beat into submission the workers of General Motors at Flint, Mich.? Who was it who took possession of some of the cities of Michigan and by force maintained possession for weeks—yes, for months? Who was it who carried on that undeclared war against civil authority? It was the C. I. O., of which Murray is the head

Who is it who today is carrying on, in the city of New York, an undeclared war, civil strife, by means of which its members stop the trucks of honest farmers seeking to carry food and produce to the inhabitants of New York City; hold them up and by force and violence rob them before permitting them to use the highways and streets of that city? None other than the Teamster's Union affiliated with the A. F. of L., of which Mr. William Green is the president.

Talk about war! For weeks, for months—yes, for years—these two organizations, with the approval of their presidents—for they have not stopped the practice—have been carrying on an undeclared war, a war of violence, a war of beatings, of killings of defenseless, unprotected, law-abiding citizens. They have practiced extortion. They have practiced what one Justice of the United States Supreme Court characterized as highway robbery—not on one occasion, but day after day, month after month, and year after year.

And now, brazenly, while the country is fighting for its life, after we have suffered almost irreparable losses in the Pacific, while Churchill says we are losing the Battle of the Atlantic through the sinkings by submarines, these two men, claiming to be patriotic, loyal American citizens, have the effrontery to declare that, unless they and their organizations are permitted to continue the practice of extortion, of graft, which they have been carrying on, no man, no woman, can work here at home in support of MacArthur and his armed forces; in support of our Air Corps, of our Navy.

All who oppose their demands for a monopoly over all workers, they charge, are creating discontent and but little veiled is their threat that, unless the Federal Government yields to their unlawful, their exorbitant, their un-American and their unjust demands, they will bring about civil strife.

If that be their attitude, then we should challenge them to bring on that strife without further delay and before, through their acts in weakening our national defense, Hitler and Hirohito have reached our shores.

Said William Green:

> We cannot afford in the Nation's crisis to take time out to fight another and undeclared war among ourselves here in America.

His acts show that the alternative is a submission by our people and our Government to his rule, to his demands.

As just stated, the record of the past shows who, with blackjack, with lead pipe, with bludgeon, with stones, brickbats, and guns, has made war upon American workingmen, American workingwomen.

Let Murray and Green, or either of them, name one individual who is supporting the present proposed labor legislation who has, by word or act, advocated or committed any act of violence against any laboring man.

Those who have gone forth to beat, to maim, and to kill, to destroy property and deprive workers of their jobs, have been pickets and the goon squads of these two labor organizations.

Overlong has the American Federation of Labor harbored convicted racketeers and criminals. Overlong has the C. I. O. placed in positions of power and in control of vast sums of money known Communists and advocates of the overthrow of our Government by force.

For years, farmers, tillers of the soil, driving, in their own motor vehicles, their produce to the markets in our cities, have, by force and violence and threats of force and violence, been compelled to stand and deliver a part of their hard-earned money to the agents of the American Federation of Labor.

Now, when the fate of our Nation is at stake, these men declare that if we throw open the gates of our factories, of our mills, and our mines, throw open the gates of the yards which surround our cantonments, so that law-abiding, loyal, patriotic American citizens, with sons and brothers and relatives in the armed forces, can go into those places of employment and work to preserve the life of the Nation, there will be civil strife.

They ask more than does Hitler, Hirohito, or Mussolini. For the present at least all those three enemies of our country are asking is that we get out and stay out of the lands adjacent to their territories. These two men go further than they and tell us that we cannot work in our own industries, in our own cantonments; that we cannot make the shells, the guns, the tanks, and the planes which are vitally necessary if we are to win this war, until they have collected all sums which they consider they need or desire; until we have signed on the dotted line and acknowledged their rule.

Hitlerism at least is some distance away and the war with him is in the open, as it is with Japan. These men announce that we shall have war here at home and that challenge of theirs, uttered yesterday, should be accepted and answered in the characteristic American way. They should be told that Americans who fight for freedom on all the seven seas and on every continent will fight for freedom here at home.

If this Congress has courage and patriotism, it will at the earliest possible moment accept this challenge by legislation which will protect the American worker, who, after all, is patriotic and who does not by any means subscribe to the doctrine of these two who so misrepresent patriotic American labor as to demand that the American brother and the American father cannot, without their permission, support the brother or son who is offering up his life in the defense of all.

The pro forma amendment was withdrawn.

The Clerk read as follows:

> Travel Bureau: For all expenses necessary in carrying out the provisions of the act entitled "An act to encourage travel in the United States and for other purposes", approved July 19, 1940 (54 Stat. 773-774), including personal services in the District of Columbia and elsewhere; traveling expenses, including expenses incident to participation by the Travel Bureau in international expositions and conferences dealing with travel; printing and binding; books, newspapers, and periodicals, $9,820.

Mr. REES of Kansas. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. REES of Kansas: Page 119, line 8, strike out all of lines 8 to 16, inclusive.

Mr. REES of Kansas. Mr. Chairman, this amendment seeks to strike from the bill an item of $9,820 for a Travel Bureau. I realize it seems to be more or less a matter of formality to offer amendments for a reduction of any of these items. The inference I gathered a few minutes ago was to the effect that since the committee saw fit to bring in these figures, it was not up to the Members of the House to raise very much question as to whether the item should or should not be allowed. Of course, if we are expected to abide entirely by the decision of the committee, admitting they are very competent, when they bring the bill to the floor of the House, what is the use of debating the bill at all? Why not vote "yea" or "nay" and let it go at that, or why not take the recommendation of the committee and not even have a vote, if that is the attitude we are expected to take?

Let me call your attention to this item for the Travel Bureau. Somebody got a bright idea about a year ago and thought we ought to have a Travel Bureau, so this Congress agreed to spend about $75,000 to encourage travel in the United States through a new streamlined bureau. A fine new establishment was set up in Washington, together with some branch offices.

As I understand it, the thing did not go over big. They spent about $45,000, and there is still $30,000 unexpended. That ought to be put back in the Treasury or they will spend that. Even the Bureau of the Budget saw fit to reduce the amount to $20,000. Then the committee thought it had better not destroy the whole thing, so they made it $9,820. They just did not have the courage to eliminate it. Looks as though they, or someone, thought some fine day they might want to revive it. So we have an office down here, and we have to employ somebody to keep it open, pay

them a salary, and also the salary of a secretary, probably. They put out a little bit of literature. Goodness alive, the thing was only conceived a year ago. We certainly don't need it now.

We do not want to spend any money on travel this year, and especially the Federal Government. Why, on the face of the very thing, it is bad. Let us cut it out and if next year or some time after this war, when and if it is over, you want to establish this kind of a thing and think you can afford to and you believe the taxpayers of this country want it, all right, but let us shut it up before it spends any more of the taxpayers' money that they don't have. Since this Bureau can't be defended on need for war effort, it will probably be suggested that we should have it to connect with a "good neighbor" policy. That is an excuse. We are spending millions of dollars for that purpose in other respects. This $9,820 will not help much in that regard. It will just pay the salary of two people, that's all.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. The gentleman, of course, knows that the day is not far off when the Government may have to ration travel because of lack of equipment?

Mr. REES of Kansas. Why, sure. Our people are being told they should not travel any more than necessary. We must save the cars, the tires, and the gasoline. Train travel is about to be discouraged to give way to those who must go. The first thing we know, there will be a bureau set up at the expense of the Government advising the public not to travel. The very idea of the existence of such a thing as a Travel Bureau, at a cost of approximately $10,000 is not good.

This is one time when we ought to forget there is an aisle down through the middle of the House and vote for this amendment. It is only $9,820 but it will buy an airplane. I do not think many Members even knew we had a Travel Bureau until they read this bill. I do not think anybody can get up here and defend the use our people had out of that Bureau during the year we had it, and which has cost the taxpayers of this country $45,000 already. I wish someone would tell us just where the $45,000 was spent and what for. It would be interesting to know, especially before we spend any more money on it.

There are two things involved here. One is to save the money and the other is the very principle of the thing. Let us just cut this out. Let us show we are willing to cut one thing out that does not have anything to do with national defense. Furthermore, in view of the condition of the Federal Treasury, I do not see how you can vote against my amendment.

Mr. COOLEY. Will the gentleman yield?

Mr. REES of Kansas. I shall be glad to yield to the gentleman from North Carolina.

Mr. COOLEY. Was this Bureau created for the purpose of encouraging travel in the United States?

Mr. REES of Kansas. That is as I understand it and that is what the hearings tell us.

Mr. COOLEY. I thought the policy of the Government now was to discourage travel.

Mr. REES of Kansas. The gentleman agrees with me. I think that is correct, and that is the reason we ought to cut this particular item out. This is not an old, established Bureau. This is just what somebody thought of a year ago and it was put in here. I do not know why it came in here in the first place. The hearings do not even disclose what services were rendered from the $45,000 that has already been spent. It should also be noted that the Department of the Interior, through other bureaus, is spending thousands of dollars in publicizing and advertising the many attractive places that come within its jurisdiction. Here is a chance to vote out $10,000 and save that much money.

I hope the chairman of the Subcommittee on Appropriations will agree to my amendment and not try to defend this kind of an item. It just does not look good on the face of it. Of course, somebody is going to lose a rather fat salary for a rather easy job. A stenographer or secretary will have to get another job. That will not be difficult. They will probably tell you they want to encourage the South Americans to come up here and travel around. Those people are going to be too busy to spend much in travel during the next year. I do not think $9,820 spent for a couple of employees in a Washington office will go very far for a purpose of that kind. We need to save the $9,820. The spending of it will not do the taxpayers of this country much good. It should be used for better purposes.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. DITTER. Mr. Chairman, I should like to have 5 of those minutes.

Mr. JOHNSON of Oklahoma. I want 5 minutes, and the gentleman from California [Mr. LEA] wants 5 minutes, but I shall be glad to split my time.

Mr. DITTER. I believe the gentleman from Oklahoma will agree with me that as a member of the Committee on Appropriations I have used very little time.

Mr. JOHNSON of Oklahoma. I agree with the gentleman, and I also agree that whenever the gentleman speaks he is always listened to with a great deal of interest.

Mr. DITTER. That is a very gracious compliment.

Mr. JOHNSON of Oklahoma. The gentleman is one of the most effective speakers on the floor of the House, and I shall not ask him to cut any of his time. I shall give the gentleman from California 4 of my minutes, and close in 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, I should first like to have the RECORD show that with few exceptions the majority has opposed every effort that has been made by the minority to bring about economies in the administration of the Department of the Interior. A very determined demand is evidenced throughout the country for economy in government. The people are demanding economy and efficiency. These teller votes and the aye and no votes do not give the full record. It should be of record that the minority has made efforts to economize but that every one of these efforts has been met with the almost solid opposition of the majority. Spending has become a fixed habit with the majority.

As to the amendment before us, my distinguished friend from Oklahoma will remember that this is the item having to do with the pamphlet, the pamphlet of confusion, to which I directed the attention of the House yesterday. It is the activity that urges us to travel, to become nomads, wanderers, and rovers, when we have no gasoline and no rubber. What possible objection could there be to the elimination of the activity in its entirety? That is what this amendment seeks to do. I shall be glad to yield to my friend from New York—and I know that the Department of the Interior is close to his heart—and to my friend from Oklahoma, who has been most zealous for the interests of the Secretary.

Mr. FITZPATRICK. I believe and the majority party believes in sound economy, but I do not believe in political economy, which you on the minority side are practicing.

Mr. DITTER. My friend fails to answer. There is no such thing as economy in the New Deal. My question is this. What harm could there be in the elimination of this activity in its entirety? Does the gentleman approve of the publication of pamphlets telling America to travel, when we have neither the gasoline nor the rubber to do it? In other words, would it not be wise to eliminate conflict between Mr. Henderson on the one hand and Mr. Ickes on the other? I should like my very able and distinguished friend from New York to answer that question. What harm could there be? What loss would there be?

Mr. FITZPATRICK. Assuming the gentleman went into the national parks to visit, would he not like to receive a pamphlet issued by the Park Service giving him information which would enable him to see the beauties of that particular park?

Mr. DITTER. My understanding is that such publications are not provided for by this $10,000. This $10,000 provides for the confusions which I believe the gentleman from New York was willing to admit yesterday were foolish. That is what this $10,000 is for, to publish the contradictions and confusions of the New Deal—pure waste.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman has spent probably more than $195 in talking about this item, and that is what these pamphlets cost about which

the gentleman raises his voice so vociferously at this time. At the same time, I point out that when it comes to real funds, everything is silent, silent as the grave. The gentleman is talking about $195, when this committee has already reduced this travel bureau item from $75,000 to less than $10,000.

Mr. DITTER. I hope the gentleman will not take all my time.

Mr. JOHNSON of Oklahoma. I thought I was taking a little more time than the gentleman wanted me to take.

Mr. DITTER. I have this to say in answer to the gentleman. The gentleman from Pennsylvania may be using $195 worth of printing in connection with the opposition that is presently being made by him, but I believe $195,000 and more might well be saved if a few more on the other side of the aisle would be articulate and active in their opposition to the extravagances of this administration. I regret, and it is to be deplored that the gentleman from Oklahoma can find no better justification than that to which he has resorted. My question has not been answered. To attempt to turn the subject on to the costs of the debates here in the House is a confession of weakness. The truth of the matter is—there is no answer—no reason why the activity as a whole could not be cut from the people, and no one would mourn the loss other than the pay rollers who get the benefit.

The question involved here is not the saving of $195. It goes much deeper than that. The problem here is the elimination of an activity that has no useful function to perform at this time—to make a start at house cleaning here in Washington—to get rid of the parasites that have fastened themselves on the public pay roll and who are extremely reluctant to let go. The problem can be solved in one way—to set about the job of separating these agencies which have no present excuse for existence from the public purse. Instead of coddling them by hunting for some excuse for their existence, close them up and save men and money and materials. It can be done if there is a will to do it.

I confess that I do not know what my friends mean by the phrase "political economy," as contrasted with what they term "sound economy." I am familiar as a result of my experience here in the House during the last 8 years with political profligacy, with political spending, with political bounties, but I have seen little or nothing which impresses me as a genuine effort to save money—to economize—to make $1 do the work of two—to save if an excuse could be found to spend. The best evidence at hand to substantiate this assertion is an examination of the public debt at the beginning of this administration and at the close of the second term. That may represent "sound economy" to some men, but to me it is the indication of an unsound, an unwise, and a loose fiscal policy—a wasting of a national substance in riotous living.

I shall not dwell at length on the reference to the costs entailed in carrying on debates in the House. Suffice it to say that as long as I am a Member of the House I shall not be intimidated by a suggestion that free and full debate on controversial subjects must be measured on a dollar basis—that the merits or demerits of a proposal dare not be discussed because of the cost of reporting the debates. Rubber stamps may be less expensive in the costs of recording the proceedings of this body, but my conviction is that we would be a wealthier people today had we had fewer rubber stamps in days gone by.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Chairman, I believe the opposition to the Travel Bureau is shortsighted. The 21 republics of North and South America have united in organizing an Inter-American Travel Conference that is engaged in promoting understanding and better political and business relations between North and South America. Each of these countries has an agency similar to our Travel Bureau. The gentleman from North Carolina [Mr. KERR] was a delegate to that conference at Mexico City last year. He speaks in the highest terms of the work and associations of that conference as beneficial to our country. Another conference is set to meet in the capital of Argentina in September of this year. The gentleman from North Carolina states that men of the highest type in the 21 republics—and this year including Canada—are going to engage in that conference.

These other American countries are all contributing to the support of agencies established by their governments to carry on such work as is done by our Travel Bureau. Many nations of the world have engaged in such activities for years. Canada has raised its appropriation this year for this purpose from $350,000 to $500,000. The United States has an annual travel bill of $7,000,000,000. Would it not be poor judgment to force representatives of our Government when they go to Argentina to engage in this conference to admit that the United States is the only 1 of the 21 republics of North and South America that fails to cooperate in its relation to the travel problem? That travel must have so much to do with promoting understanding and business relations with our sister republics.

The appropriation has already been reduced from $75,000 to less than $10,000. Fifty-five thousand dollars of that was reduced by voluntary action of the Department as a concession to war conditions. The committee itself further reduced it to about $10,000. I think that was a mistake to reduce it so much. But if we considered it only from the standpoint of the domestic situation in promoting travel, it would be important to preserve at least a skeleton organization. In the last 25 years I have traveled into every State in the Union, sometimes for business, sometimes for pleasure, and always for my benefit. From my experience in traveling I am satisfied the Travel Bureau can do and is doing a useful work.

The work of the Bureau is mainly in coordinating information for the benefit of the traveler. It has little to do with producing printed material and expenses of that kind, but it serves a good purpose in supplying useful travel information from original sources without publication by it. It is particularly useful in contacting and coordinating travel information between our States and the other American countries. It is a promoter of understanding, good will, and better business relations.

I see the gentleman from North Carolina [Mr. KERR] is here and I would like to have him speak further within the time allotted to me.

Mr. KERR. Mr. Chairman, I hope the Committee will not cut this appropriation. Practically nine-tenths of this amount of $9,820 will go to pay the expenses of our attending and participating in international expositions in the western republics.

Just listen to me a minute. We have neglected these countries for years and years, until the business was taken away from us and until there arose among the people of the western republics a real antipathy and dislike toward the United States. This statement is undoubtedly true, and I think every man in this House realizes this. We are now attempting to overcome whatever feeling of neglect there is on our part toward our neighbors of the Western Hemisphere by cultivating these people and by stimulating spiritual, commercial, and friendly relations and by promoting unity between us all, a unity which will vouchsafe the political safety and welfare of all the western republics. This is one of the finest things we can possibly do and most of this item goes for these purposes alone. The money is not used for pamphlets or for advertisements or for papers, but to pay the expenses of representatives of this country to a congress that meets and considers the beneficial relationships which should exist between all the people of this great Western Hemisphere. We should have begun to cultivate such a relationship 50 or 100 years ago, and this Nation would be better off today if we had done this, as well as all other republics of the New World. I trust that the good sense of this committee will not allow this item to be stricken out of the bill.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I do not claim that this Committee is infallible.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Not now.

It has made mistakes, but I call attention to the fact that every administrative item in this bill has been cut and reduced drastically. Some of them have been cut as much as 75 percent. It held hearings for 1 month, every day, including Saturdays, and I am sure the committee was in agreement on this item that we reduced more than 75 percent. So it just occurs to me, inasmuch as this item has already been reduced from $75,000 to below $10,000, inasmuch as every travel item in the bill has been reduced, and remembering, too, that we have cut the park service

$9,000,000, that the present figure should stand.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. REES].

The question was taken; and on a division (demanded by Mr. REES of Kansas) there were—ayes 41, noes 59.

So the amendment was rejected.

The Clerk read as follows:

Food habits of birds and animals: For investigating the food habits and economic value of North American birds and animals in relation to agriculture, horticulture, and forestry, including methods of conserving beneficial and controlling injurious birds and animals, $50,000.

Mr. COOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COOLEY: On page 124, line 21, strike out lines 21 to 25, inclusive.

Mr. COOLEY. Mr. Chairman, the purpose of my amendment is to strike out the item which provides for an expenditure of $50,000 which is contained in this bill for investigating the food habits of birds. The item is captioned "Food habits of birds and animals."

I believe that the time has come when the American people are no longer willing to tolerate an expenditure of this kind. I am not in favor of permitting an agency of the Government to go on a wild-goose chase or on a snipe hunt. I wonder if the Department is trying to find out who killed Cock Robin or if it is endeavoring to ascertain how much wood would a woodchuch chuck if a woodchuck would chuck wood.

This is just an absurd expenditure of public funds. The idea of spending $50,000 to investigate the food habits of birds. How can Members of Congress stand before the country in this emergency and defend an expenditure of Federal funds for such a purpose?

I was very much surprised, upon an examination of the record, to find that the Department spent $80,000 last year investigating the habits of birds.

The report indicates that "extensive records of the economic relationships of foreign birds and animals are maintained to guide in the determination of departmental action with respect to proposed importation of foreign species." The record clearly fails to disclose a justification for this item. If the Department has not been able to find out all that they want to find out about the food habits of birds with the tremendous appropriations which have already been provided, then I suggest that they call in some farm boy from down in North Carolina to give them full information regarding the subject What Birds Feed On.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. Yes.

Mr. ZIMMERMAN. The gentleman said that they appropriated $80,000 for this particular thing last year.

Mr. COOLEY. Yes.

Mr. ZIMMERMAN. Did it ever occur to the gentleman from North Carolina that they set up a fund to carry on some of these experiments, and that they never do arrive at any conclusion. It is like Tennyson's brook, it runs on and on forever. It will gather this information year in and year out, and still they need the money to make an experiment.

Mr. COOLEY. I thank the gentleman for his observation.

I call your attention to a news article which appeared in today's Washington Daily News, written by E. A. Evans, regarding the Interior Department contribution to war effort. I read excerpts from Mr. Evans' article:

European butterfish lay their eggs in empty oystershells.

Old male Pacific walruses weigh from 2,000 to 3,000 pounds.

These items were taken by Mr. Evans from Current Conservation, published monthly by the Interior Department and described by the Interior Department as "A clip sheet of current news about the Federal Government's wartime conservation activities in mobilizing the Nation's natural resources for victory." In this grand publication we find the following:

The thresher shark kills its prey with its tail. The elf owl is the tiniest owl in North America, being no larger than a sparrow. The tongue of a woodpecker is longer than the bird's head. The little jumping mouse can sometimes leap as much as 10 feet in one bound. The catfish of the African swamps is the only fish which it is definitely known will swim upside down. Woodpeckers are the only birds in the United States that can dig holes in solid trees. After being A. W. O. L. for a year, a pair of Canada geese recently returned to George Washington National Monument.

The time has come to stop this foolish expenditure of public funds for these scientific articles, circulars, leaflets, and bulletins. Who cares about how long a woodpecker's tongue is or how much wood a woodpecker can peck, or how far a little mouse can jump?

I urge the adoption of my amendment which will strike from the bill this foolish and absurd item.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I realize that it is very easy to laugh these things off. It is so easy to be facetious and resort to ridicule. That method of debate is too often indulged in when one does not have sound argument. In my judgment the wording of the paragraph under discussion is unfortunate, but if the gentleman will investigate he will find that this activity is of considerable importance, and I may say to the gentleman that I have received telegrams and letters from some of the leading sportsmen of the country criticizing the committee and demanding that this and other items for the Fish and Wildlife Service be increased. The members of the Izaak Walton League and many other sports organizations of the country feel that this committee cut this and several other items in this bill pertaining to fish and wildlife entirely too much. This item now is $30,700 below what was spent last year for this purpose, and then the committee cut $21,550 below the Budget estimate. I do not believe the item should be further reduced.

Mr. COOLEY. Can the gentleman tell the Committee how much money is contained in this bill for birds? Here you have one item for predatory birds, $700,000; and then for the protection of migratory birds, $342,000; and then there is another item of $10,000——

Mr. JOHNSON of Oklahoma. Of course, the gentleman knows that there are several other items in this bill for fish and wildlife, but he also knows it has been drastically cut. Is it his wish to destroy that service? What does the gentleman desire? The Congress of the United States in its wisdom established the Fish and Wildlife Service. It is one of the most popular services in the United States, and if he thinks the people of this country are not behind it he is mistaken. The committee has already cut this and three or four other items in this bill far below the figure that any evidence would justify. Practically every item in the bill has been slashed.

Mr. COOLEY. I hope the Committee will adopt the amendment.

Mr. LEAVY. Mr. Chairman, I rise in opposition to the amendment. This is much more than a mere matter of humor, and it can be neither laughed off nor killed by ridicule. If it were entirely a matter of investigating the life and habits of a bird or some birds, it would be quite different, but this is an activity that has been carried on for years and covers all birds and animals.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. Not at the moment. Ten years ago they had over $100,000 in this item, and it does not cover merely investigating the habits of birds, but this is for investigating food habits, and the economic value of North American birds and animals in relation to agriculture, horticulture, and forestry, including methods of conserving beneficial and controlling injurious birds and animals. Aside from the interest of American sportsmen in the wildlife of the Nation, the birds and the animals of this Nation fall into two categories, those that are beneficial and those that are destructive to agriculture, forestry, and horticulture.

It is naturally a subject that will never come to a conclusion. It should not, because the mysteries and habits of the animal kingdom can never be fully solved. But we have now invested, rightly or wrongly, millions and millions of dollars in refuges for our wildlife. I think it a wise action.

American sportsmen are contributing millions of dollars to the Federal Treasury, much more than this entire appropriation. You may as well say that because we have two dozen or three dozen fish hatcheries and we are stocking the streams that we ought to completely eliminate that activity. Now, there is a limit to that which is economy, and when you leave economy and go into destruction——

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. Yes; I yield for a question.

Mr. COOLEY. The gentleman referred to injurious birds in one paragraph. That is the one I am trying to strike out. In the next page you refer to predatory birds, animals, and so forth. That carries an appropriation of $700,000.

Mr. LEAVY. Let me say to my friend that the Fish and Wildlife Service is collecting both from commercial and American sporting interests who are interested in game and wild birds, and food fish and food animals are contributing far more than we are proposing to appropriate here. Every State in the Union maintains a very large and capable fish and game department. These activities just fit into that service and coordinate their activities with the various States.

Mr. COOLEY. Does the gentleman claim that this work should go on and on forever?

Mr. LEAVY. It should go on so long as it justifies itself, and the gentleman has not shown that it is not justified.

Mr. COOLEY. I can show by the record that it has not justified itself.

Mr. MURDOCK. Will the gentleman yield?

Mr. LEAVY. I yield.

Mr. MURDOCK. Does not the gentleman recognize that scientific men have agreed that insects are the greatest foe of the human family and that birds are the greatest protectors of the human race? Our feathered friends may save us from our enemies.

Mr. LEAVY. There is no question about it at all.

Mr. DITTER. Will the gentleman yield?

Mr. LEAVY. I yield for a question.

Mr. DITTER. I wonder if the gentleman would give us the amount of the unexpended balance in this item? In other words, as we were discussing this travel item a moment ago, the record showed a very substantial unexpended balance. In line with the amendment offered by the gentleman a moment ago, it would seem to me that we should know how much the unexpended balance is at the present time before the gentleman from Washington can justify the appropriation that he now endorses.

Mr. LEAVY. I cannot, on a single item like this, say what the unexpended balance is.

Mr. DITTER. Well, it is relevant, is it not?

Mr. LEAVY. Yes; it is relevant. If you contend there will be an unexpended balance at the end of the year, the burden should be upon you to show what there will be. Presumptively we only appropriated enough last year to run through this fiscal year. Now we have cut that amount down about one-third for the next fiscal year.

Mr. SHEPPARD. Will the gentleman yield?

Mr. LEAVY. I yield.

Mr. SHEPPARD. Let me read this for the gentleman's information. It is found in the last paragraph on page 743 of the hearings:

> Of this sum $42,832 has been allocated for the purchase of refuge land, and $4,500 for investigation of migratory birds.

Mr. LEAVY. I trust that the amendment will be defeated.

Mr. TABER. Will the gentleman yield for a question?

Mr. LEAVY. I yield.

Mr. TABER. Does the gentleman suppose that any of the superfluous employees of this Bureau would have to go to work if this amendment were adopted?

Mr. LEAVY. No. I presume those that they have are all working, and are necessary.

[Here the gavel fell.]

Mr. REES of Kansas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise for the purpose of not wanting it to appear that I want to laugh this $50,000 off. Not for a moment. I do not think anyone wants to appear to laugh off the item of $50,000. This is a serious matter. I think that this expenditure would do some little good. Of course, it would. It is not just for nothing at all, but is it worth it in the light of our other needs at this crucial hour? Is it worth it in view of the condition of the Federal Treasury? Is it worth it considering the demands being made on the taxpayers of this country? Had we not better use this money to feed the soldiers rather than just use it to study the food habits of birds? What do you really think about it?

I realize these sportsmen who have just been mentioned are highly patriotic citizens. If this were all the money you are spending for birds, that would make the situation somewhat different.

There are hundreds of thousands of dollars in this bill to be expended for birds.

Mr. COOLEY. Will the gentleman yield?

Mr. REES of Kansas. I am glad to yield to the author of this amendment.

Mr. COOLEY. The section that I offered to strike out makes no reference whatever to game birds or to sportsmen, but I think that the language is fallacious, because it tries to connect the food habit of birds with horticulture or agriculture or forestry.

Mr. REES of Kansas. That is correct. I think the question the gentleman asked a moment ago about the destruction of insects and things like that with relation to birds has nothing at all to do with this particular item.

Here is one item of expense that does not add up in any direction with the defense program. It has nothing to do with the war effort. You cannot sustain it in that respect by any stretch of the imagination. Let us strike out this $50,000 and save that much money for far more important uses. There is still thousands of dollars in this bill being spent for birds. I know we are not going to have any roll call on this amendment, but let us use our good, common horse sense and save this $50,000. I know the country will feel a little better if they know there is some little gesture being made toward economy in this bill. I hope you will sustain the gentleman who has offered this amendment.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I shall be glad to yield to the distinguished Member from Michigan.

Mr. DONDERO. Is the present bill larger or smaller than last year's appropriation bill for the Department of the Interior?

Mr. REES of Kansas. Oh, the entire bill is for more than last year, but this particular item has been cut down to some extent.

It seems rather strange reasoning to say that because the committee cuts an item that is the reason why we ought not to cut it further. As I said a moment ago, it does seem to me that it is only fair that the members of the Committee of the Whole should have the right to give consideration to these cuts without having it suggested to them that just because the committee brings in a bill with a few cuts we should not reduce it some more. Let us not vote for any item unless we convince ourselves that it is a wise expenditure. And do it in the light of the need of the hour.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. Yes, I shall be glad to yield.

Mr. LEAVY. I would like to ask the gentleman if he does not feel that while perhaps the committee cut the bill but not as much as the gentleman himself wolud have cut it, yet the committee has spent a considerable amount of its time listening to the opinion of people who have been justifying these appropriations? I am wondering if the gentleman has read the hearings to the extent that he feels he is justified in making the argument he does?

Mr. REES of Kansas. Yes; I have read the hearings, and I certainly don't find anything in this evidence that convinces me that we should spend $50,000 to study food of birds.

I know the committee did not listen to anyone else than those sustaining the expenditures. That is the trouble. Why do you not ask someone to come in and be heard on the opposite side?

Mr. LEAVY. Did the gentleman ask to appear before the committee?

Mr. REES of Kansas. Certainly not. But the gentleman is hardly fair. How could I know when the committee would give consideration to these particular items? I realize, as the gentleman stated, about the only ones that are heard, are those interested in these items of expenditures and in favor of them, but I am talking about John Q. Public, who does not have a chance to be present except possibly through his representative here in Congress and that is what I am trying in my humble way to do this afternoon. I do not say the committee did not exercise its best judgment, but I am saying that all of the witnesses heard justifying this expenditure are those who will benefit from the funds and those who want the activity carried on. This is a place where we can save $50,000. It will injure no one. Those who get their salaries from this fund can be employed in far more important jobs right now.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the distinguished gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman did not appear before the committee and make such request did he?

Mr. REES of Kansas. Oh, no; certainly not.

Mr. JOHNSON of Oklahoma. There were 30 Members of Congress who did

appear before the committee, including several Members on the gentleman's side of the aisle, and not one made a suggestion to cut a single item but asked for increase of items. Had the committee been guided by their suggestions we would have added several millions of dollars more than the Budget estimate, whereas we bring the bill to the House $17,000,000 below the Budget estimate.

Mr. REES of Kansas. In the first place I felt the chairman of the committee would see to it that reductions would be made where it could possibly be done. His committee did cut what is known as estimates, by a little less than 10 percent. The chairman well knows and should appreciate that it is not only the right of any Member to offer amendments to these measures when they are presented to the membership of the House. It is also his duty to do so. The inference that because a Member did not appear before the committee regarding any of these items is not justified, in my opinion.

[Here the gavel fell.]

Mr. ANDERSON of New Mexico. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of New Mexico as a substitute for the amendment offered by Mr. COOLEY: Page 124, line 25, strike out "$50,000" and insert "$25,000."

The CHAIRMAN. The gentleman from New Mexico is recognized for 5 minutes.

Mr. ANDERSON of New Mexico. Mr. Chairman, I do not intend to take the 5 minutes but merely enough time to state, in view of what has been argued, that this is an essential service. My amendment would provide for the maintenance of at least a skeleton organization and would preserve some of the things that have been accomplished during the past few years.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield.

Mr. COOLEY. Can the gentleman point out one good thing that has been accomplished by this expenditure up to this good hour?

Mr. ANDERSON of New Mexico. The gentleman will find it set forth in the hearings.

Mr. COOLEY. The record fails to make any such disclosure.

Mr. ANDERSON of New Mexico. Certainly much good has been done by a greater knowledge of the food habits of birds and of the food habits of animals as they affect agriculture and forestry. I know that this is the experience in the Western States where our contacts with the Department of the Interior are close. We feel the work has been of value.

Mr. COOLEY. They have issued a lot of bulletins.

Mr. ANDERSON of New Mexico. How else would they spread the knowledge of what discoveries they have made? If it is insisted that a cut must be made in this item, I maintain it should not be stricken out entirely, but enough should be left to provide for a skeleton organization.

Mr. COOLEY. I just want to call attention to the fact that this money does go for publications, articles, circulars, leaflets, and bulletins on the life and habits of birds.

[Here the gavel fell.]

Mr. MICHENER. Mr. Chairman, I rise in opposition to the amendment just to ask the gentleman if he does not feel it is more essential at this time that we study the food necessities of migratory soldiers rather than the food habits of migratory birds?

Mr. JOHNSON of Oklahoma. I suggest, Mr. Chairman, that the soldiers are going to be fed, and fed well. As far as I am concerned, while the committee is not in a position to accept the amendment offered by the gentleman from New Mexico—and I am opposed to it—I certainly would favor it over the original amendment to eliminate the item altogether.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New Mexico [Mr. ANDERSON].

The amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. COOLEY].

The question was taken; and on a division (demanded by Mr. LEAVY) there were—ayes 61, noes 39.

So the amendment was agreed to.

The Clerk read as follows:

For carrying into effect the provisions of section 4 of the act entitled "An act to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes," approved March 16, 1934, as amended by an act entitled "An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes," approved June 15, 1935 (16 U. S. C. 718–718h), an amount equal to the sum received during the fiscal year 1943 from the proceeds from the sale of stamps, to be warranted monthly; and in addition thereto an amount equal to the unobligated balance on June 30, 1942, of the total of the proceeds received from the sale of stamps prior to July 1, 1942.

Mr. ZIMMERMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in reference to this paragraph covering the migratory bird conservation fund, I want to call the attention of the committee to what is going on in the Migratory Conservation Commission, which was created by an act of Congress. The chairman of that committee is the Secretary of the Interior, Mr. Ickes. Our distinguished colleague from Missouri [Mr. COCHRAN] is a member of that Commission and two or three United States Senators are also on the Commission. These are the gentlemen who go about the country selecting and buying land for bird sanctuaries. In view of what the distinguished gentleman from Michigan [Mr. MICHENER] said awhile ago as to the importance at this time of thinking about arming, feeding, supporting, and maintaining an army in this awful war in which we are engaged, we are somewhat surprised to find the gentlemen who are administering this program more interested in certain species of ducks and in finding a place where they may light and rest, than in making available every possible dollar for the prosecution of this war. Down in the district which I have the honor to represent, this Commission is instituting proceedings to purchase and take out of cultivation some 33,000 acres of agricultural land at a cost of approximately $400,000, to be converted into one of these bird sanctuaries and covered with water for a place where ducks may swim and rest for a few weeks or months during the year.

The people of those counties do not want this land taken out of cultivation because it will mean the removal of several hundred families from the land on which they now live and are supporting themselves at this time. These lands will be covered with water, converted into a malarial breeding ground, and will not produce one dollar of revenue. On the other hand, these lands will be taken off the tax rolls for purposes of taxation, and will make the tax burden of the people of those counties more difficult to bear.

I take this opportunity to let you know what is going on at a time when we are taxing ourselves to the limit to get funds to prosecute this war. If we were at peace it might be different, but at a time like this it seems sheer nonsense to remove a hundred or two hundred families from these lands and force them to go elsewhere to find homes for the sole purpose of providing a place where birds may rest. I may say that within 10 miles of this proposed sanctuary we have a 6,000-acre Government-owned lake which will provide an ideal resting place for all the birds that will ever come to that part of the country.

To show you how high-handed this commission is, one of my constituents called upon my friend and colleague the gentleman from Missouri [Mr. COCHRAN] for some information in regard to this proposed sanctuary that they propose to create down there in this section and it is very interesting to hear what they had to say in reply to that request. You have heard about the tail wagging the dog. Well, we have some commissions in this country now that almost wag the Government and there is little we can do about it. It is a case where the creature has become greater and stronger than the creator.

This letter of reply is from the Secretary of the Migratory Bird Conservation Commission, and is addressed to the gentleman from Missouri, Hon. JOHN J. COCHRAN.

[Here the gavel fell.]

Mr. ZIMMERMAN. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute in order to read this letter.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. ZIMMERMAN]?

There was no objection.

Mr. ZIMMERMAN. This letter reads as follows:

Your letter of February 8, accompanied by Mr. R. B. Oliver, Jr.'s, communication to you of February 7, is received. A copy of the letter has been made and the original is enclosed.

I regret to advise that the records of the Migratory Bird Conservation Commission are not public, consequently much of the information desired by Mr Oliver cannot be made available. However, I expect to be in Missouri very shortly in connection with field investigations of the Mingo project, and it is my plan to call on Mr. Oliver and others to discuss this matter.

It is my hope that I will also be able to obtain more complete information regarding the point of view of those who are opposing the project at present.

Sincerely yours,

RUDOLPH DIEFFENBACH,
Secretary, Migratory Bird Conservation Commission.

I make these remarks today in order that you gentlemen may know how some people insist on spending money at this time.

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the distinguished Speaker of the House did appoint me a member of this commission. I have attended every meeting of the commission since my appointment. I made some suggestions to the commission in reference to getting additional information before land was purchased. For instance, I requested information about the tax value of the land, and so forth, so that we might know that we were going in the right direction, and all this without suggestion from anyone.

At the last meeting of the commission when the proposal was up to purchase this land that my colleague speaks of, nearly $400,000 are involved, and in all 33,000 acres, including acreage that is not in the gentleman's district but in an adjoining district, I wanted to know when the survey had been made. I was informed that it was made in 1935.

I called attention to the fact that since that survey was made a flood-control dam had been constructed down there in the gentleman's district. I also stated it was my understanding that dam had protected that section of the country and it was unfair now to buy that land upon a survey made in 1935. I insisted upon another survey being made. After considerable arguing, they agreed to make a second survey and they sent some men down there to make the survey.

When I received that letter from the secretary of the commission, it was the first time I knew the records of that commission were not available to the public. I wish to assure the membership of the House that if it is within my power, at the next meeting of the commission, these records are going to be made available to the public. Nobody has a right to spend public funds and say that nobody else may look into the manner in which the funds are being spent. I know I am not going to be a party to that. I am not going to remain on a commission that maintains secret records and will not let the general public know what it is doing with the public money.

This money is not appropriated, it comes from the migratory bird conservation fund, which is raised by the sale of duck stamps; but regardless of how it gets there, it should be spent properly. It should not be wasted. I already have the assurance of the Secretary of the Interior, who is chairman of the Commission, that at the next meeting of the Commission the gentleman from Missouri [Mr. ZIMMERMAN] and the gentleman from Missouri [Mr. WILLIAMS], in whose district this proposed refuge is located, will have an opportunity to be heard. I am not convinced that this property should be purchased, in view of the fact that the Wappapello Dam has been constructed and that the land down there is no longer subject to overflow as it was prior to the time the dam was constructed.

Mr. RICH. Mr. Chairman,. will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Will the gentleman inform the House if the goose that laid the golden egg is a migratory bird?

Mr. COCHRAN. I think the gentleman will have to ask the gander as to that. I do not know.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I am sure every Member of the House appreciates the fine and unselfish service the gentleman, as a member of this important Commission, is rendering. As I understand, there are two Members of the House and two Members of the Senate on this Commission, and they review the activities of this agency. I would like to have the names of those gentlemen placed in the RECORD. I can say that the House feels that this Commission will review every item and see that no money is wasted or foolishly expended.

Mr. COCHRAN. I hope the Members of the House and the Senate who are members of this commission will stand together and not approve the purchase of any land that they feel should not be purchased.

Mr. JOHNSON of Oklahoma. That expresses my opinion exactly.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. CCCHRAN. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. Does not the gentleman feel that at this time we ought not to go down there and condemn land upon which people are now living and supporting themselves, turn it into a bog or lake, and force those people to go elsewhere and reestablish themselves, when we are trying to produce all the food we can?

Mr. COCHRAN. My answer to the gentleman is that without any suggestion from anybody I have stopped the purchase of this land. That shows my attitude on it.

Mr. ZIMMERMAN. I commend the gentleman for taking this attitude.

[Here the gavel fell.]

The Clerk read as follows:

For salaries of the Governor and employees incident to the execution of the acts of March 3, 1917 (48 U. S. C. 1391), and June 22, 1936 (48 U. S. C. 1405v), traveling expenses of officers and employees, necessary janitor service, care of Federal grounds, repair and preservation of Federal buildings and furniture, purchase of equipment, stationery, lights, water, and other necessary miscellaneous expenses, including not to exceed $5,000 for purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, and not to exceed $4,000 for personal services, household equipment and furnishings, fuel, ice, and electricity necessary in the operation of Government House at St. Thomas and Government House at St. Croix, $147,980.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 136, line 15, after "Saint Croix", strike out "$147,980" and insert "$32,980."

Mr. RICH. Mr. Chairman, I am just like the average American citizen; I am sick and tired of paying deficits. You will find that the American citizens are going to be more sick as the days go by of paying our own deficits, but I hate to think that we have to pay the deficit each year of the Virgin Islands. And why do we have to pay it? Because the management over there is poor.

One of our former associates—Guy Swope, who comes from Harrisburg, Pa., and is a mighty good fellow—heads the office here in the District that has charge of the Virgin Islands. I talked with him yesterday on the telephone. I said, "Guy, we have to do something to stop these deficits in the Virgin Islands." He said, "You are right." I said, "Let us look at what happened in the operation of those islands last year and the year before. Last year we had a deficit of $105,000."

Someone figures that we are going to have a deficit of $115,000 there, and that is why I want to strike out of this item the amount that it is figured will be the deficit next year. Guy Swope is going to see that we do not have a deficit. He is going to do some work over there, and say to the Governor and those in charge of the islands, "We are going to have some real efficiency in the operation of that government and try our best to balance the budget." If we do not balance the Budget of America, we are at least going to balance the budget over in the Virgin Islands.

Mr. PITTENGER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Minnesota.

Mr. PITTENGER. Does the gentleman know whether or not the Government has any air bases in the Virgin Islands?

Mr. RICH. Yes; we do; and they are building some more.

Let me show you another reason why we have these deficits. We started the Virgin Islands Company. We paid for that Virgin Islands Company up to 1934, $2,546,404.50. Then we gave to that company as operating capital from the Federal Emergency Relief Administration $200,000; from the Federal Surplus Relief Corporation, $150,000; from the Emer-

gency Relief Administration, $168,813.27; from the Farm Security Administration—Rural Rehabilitation—$257,531.32; from the Work Projects Administration, 1940, $48,000, and from the Work Projects Administration, 1941, $35,000—making a total of $859,344.59.

Add these two totals together and you have a grand total expenditure of $3,405,749 for the Virgin Islands Company.

We capitalized that at $30, and we manufactured rum and sugar. Last year in the operation of that rum plant we lost $60,456.30. If we get a good administration of the Virgin Islands Company, we shall eliminate that $60,000 loss right off the bat. Then we have only half of it raised.

What did they do last year in the harvesting of sugar? There was a lot of sugarcane they did not harvest because they took too long to get it in and it spoiled in the field, or perhaps the Department of Agriculture might not have permitted them to harvest it, because you know we manufacture rum over in Puerto Rico and there were 250,000 tons of cane they did not take in there because the Department of Agriculture said they should not harvest it. They paid them for not harvesting that sugarcane. If they had put the amount that they put into rum into using that sugarcane, let me show you how much sugar we would have saved.

[Here the gavel fell.]

Mr. RICH. I am sorry we did not raise more sugar and less rum. We would have been helping the country right now if we had done that.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I shall not delay the House more than a moment. The situation in the Virgin Islands is really a pitiable one. It is unfortunate we have so many poor people down there. I wish this were not so. I wish economic conditions there were better than they are, but somehow, I just cannot understand why the gentleman would want to interfere seriously with the government there. I might call attention to some of the testimony of the Governor. He tells about the low salaries paid there. He reminded us that some capable men with families are working in his office for as low as $55 per month. The lowest salaries, so I am advised, paid anywhere in this Government are paid in the Virgin Islands, and the Governor pleaded for some additional funds to raise some of these low salaries and to permit him to employ some additional help. The conditions he told us about are nothing to brag about. Some of his remarks were off the record. The sanitary conditions at St. Croix are absolutely deplorable. They are worse than any place, perhaps, on the face of the earth. The Governor begged for additional help in order to clean up that situation. They have a leper colony nearby. Without going into details, I sincerely hope that members of the committee will not cut this item when I say to you that instead of providing additional funds for this activity we have cut it $21,305 below last year's appropriation, and we have also made a cut of $570 in travel pay.

Mr. REES of Kansas. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I do not want to take too much of the time of the House at this time of the day, but there are some things here that ought to be considered. There is first the question of salaries. If you will look on page 811 of the hearings you will find, if I am not mistaken, that they increased those salaries about 25 percent. The interesting thing about that is that you increased the higher salaries more than you did the lower salaries. I mention that because of the plea made by the distinguished chairman of the committee. It seems to me if we need to spend money down there in the Virgin Islands to help these poor people we may as well grant the money to them rather than spend thousands of dollars on a rum plant. I understand we spent $60,000 on that, and that certainly is not helping the poor people of the Virgin Islands or of this country.

My understanding is that one of the reasons you have a big deficit here is because you do not tax these big sugar operators down there. These big sugar plantations are not paying their fair share of the taxes. This is the main reason you are losing money. If you could get proper taxes out of them, you would get along all right.

The views of the gentleman from Pennsylvania should be sustained. For years the gentleman from Pennsylvania has made a gallant fight against this use of the taxpayers' money. The United States Government should not be in the business of manufacturing rum. Just think of it. You had better give them twice that much money than let it be used for making liquor. I wish I had the time to discuss this whole problem. Right now we are in this war and we need the sugar. You are going to ration the sugar on the family table and yet the Government right now allows big manufacturers to use the sugar down there to make liquor and then have it sold in this country. We are producing more liquor than we ever have before. Last year the amount that was produced was increased and the amount is higher for the first 3 months of this year. Thousands of gallons of this stuff is imported here every year. We ought to sustain the position of the gentleman from Pennsylvania. It will be said this money or appropriation is not for rum. No; but it is to take up a deficit caused by the use of Federal funds that are used to subsidize the rum business to the extent of $60,000.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. REES of Kansas. I shall be glad to yield.

Mr. JOHNSON of Oklahoma. I may say to the gentleman that, so far as I am personally concerned, I agree with him with reference to his views on the rum issue; but that has nothing whatever to do with this appropriation. There is not a dollar in this appropriation for the rum business.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. Yes.

Mr. RICH. The Virgin Islands have gone into the red $60,000 each year and the deficit comes from this rum company. What are you going to do when you are paying off these deficits?

Mr. JOHNSON of Oklahoma. There is not a dollar in this bill for the company to which the gentleman refers.

Mr. REES of Kansas. But the trouble is this, that you would not have a deficit if you did not spend the money for making rum, and that is all there is to it. You just cannot get around that. The Federal Treasury is short $60,000 because the Government is in the rum business. It would at least be more commendable if the product were used for alcohol, so much needed in the making of war materials.

Mr. JOHNSON of Oklahoma. Do not say that I make it. I do not make it; I am not responsible for it.

Mr. REES of Kansas. Certainly he does not make it. I refer to him only as being in charge of this legislation. The Government is the one that is in the business. As the chairman of this subcommittee, I know the gentleman from Oklahoma pretty well. As a matter of fact, I do not think he favors the Government being in the rum business any more than I do.

The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 27, noes 57.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. Appropriations herein made shall be available for the purchase, maintenance, operation, and repair of vehicles generally known as quarter-ton or half-ton pick-up trucks and as station wagons without such vehicles being considered as passenger-carrying vehicles and without the cost of purchase, maintenance, operation, and repair being included in the limitation in the various appropriation items for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles.

Mr. JONES. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 138, after line 21, insert a new section, as follows:

"None of the funds appropriated in this act shall be used for these purposes, namely:

"1. Publications not required by law;
"2. Press service;
"3. Radio broadcasting;
"4. Group contacts;
"5. Exhibits;
"6. Motion pictures;
"7. Lantern slides and lecture material;
"8. Photography;
"9. Individual contacts;
"10. Posters.

"And the amounts submitted by the Department of the Interior, Division of Information, for these purposes shall not be available therefor, and shall be recovered into the Treasury."

Mr. JONES. Mr. Chairman, I shall not take much time of the committee to describe this amendment. I discussed it in the early part of the consideration of the bill under the 5-minute rule. The

total amount for the Office of Information in the Department of the Interior is $2,430,770, as reported by the Division of Information of that Department. The correspondence of the Department of the Interior is $216,713 of the total of $2,430,770. The rest is for publications, group contacts—whatever they are—individual contacts, motion pictures, radio programs, photography, lantern slides, and lecture material. All of these things could be cut out since Pearl Harbor. I submit that with the enormous expenditure in the Office of Government Reports, with the enormous expenditure in the Office of Facts and Figures—and it might be referred to as facts and fiction—under the direction of Mr. MacLeish that we do not need to have propaganda agencies in all of the departments, including this one.

There has been steadily growing in Washington a large army of men and women on full-time and part-time compensation to glamorize the activities of the bureaus they represent. Many bureaus that have nothing to do with defense try to get their noses under the tent. So many nondefense bureaus have asked for increased appropriations that their pleas of national defense are commonly referred to as the national prayer.

When we became a united people on December 7 the chairmen of both great political parties sounded a welcome note to the ears of the American people. It was generally headlined throughout the country, "No politics during the duration." But ladies and gentlemen, there was another group that never laid down their pens—2,995 of them working full time and 34,513 working part time. In many instances their only function appears to be to demand appropriations in order to keep themselves in jobs. They represent a political philosophy which is not in tune with either the Republican or Democratic Parties. I have read many of their pamphlets. I have seen duplication after duplication. News reporters have shown me the stuff that they throw in their wastebasket, and have told me they do it day after day. Virtually tons of it are poured out, not only in Washington, but in the field offices throughout the country.

So that you may have some idea of the extent of the activity of the propaganda agencies, I will tell you there are 3,096 counties in the United States. If you eliminate the counties in the solid South, which have no Republican organization and virtually only one party, you could give to every Republican or Democratic county committeeman in the United States a salary for writing political material every day in the year. You could give every Republican or Democratic district committeeman in the United States a salary to send out his political material every day in the year. In addition to that you could give every Republican or Democratic State central committeewoman a salary for sending out political material every day in the year. You could hire 10 more Republican or Democratic central committeemen in each county for part-time work and then pay the whole lot a pay roll of $27,700,000 a year and give them $2,500,000 worth of paper and $49,000,000 worth of postage. Then you would have an idea of what political activity and propaganda at Government expense means to the taxpayer of this Nation.

We have modestly cut the Information Service in the Department of Agriculture appropriation bill. We have cut the publication of the Yearbook for the farmers. Let us make the same record on the Interior Department. So far we have only cut $100,000 out of this $2,400,000 monstrosity. I contend that it is bad and indefensible for you gentlemen on the other side, again asking for an adjournment of politics, to vote for this propaganda service, paid for by every man who labors, toils, and sweats to buy bonds and arm our men in blue and khaki. Why keep 115 men on the pay roll for full time and 1,918 for part time, to spread propaganda for the administration at public expense?

Mr. STEFAN. Are any of these items tied up with national defense?

Mr. JONES. There definitely is not an item that will help a soldier or a sailor to protect himself from the enemy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. LEAVY. Mr. Chairman, if the membership will just note the territory embraced in this proposed amendment, and give a second thought to it, they will see that it would actually destroy the usefulness of the whole Interior Department.

As I said at the time we began consideration of this bill, when we began the reading of it, Secretary Ickes, the head of the Interior Department, is an outstanding man. I go further now and state he will go down in history, when the history of this stormy period is impartially written, as one of the great men of his time. Some men disagree with him, and other men are ardent supporters of him. That he is an honest, capable, efficient public servant has never been questioned by anyone. Some persons dislike him and some groups dislike him. I respect him for the enemies he has made. He has made an exceptional fight insofar as the West is concerned to see to it that the resources of the marvelous western country are preserved and utilized, and that includes the territory of Alaska, for the benefit of all the people. He has been a bitter opponent of the exploitation of that region for the benefit of a few. To carry on that type of fight, of necessity engenders opposition and it engenders opposition that is powerful, opposition that is going to make itself felt and heard everywhere.

I would be the last person in the world to charge any Member of this House as opposing the Secretary of the Interior because of opposition from the outside, but I do state that many Members are misled by statements made as facts, that are only biased utterances of individuals, who have felt the righteous wrath of the Secretary, when they sought advantage or special privilege. These statements are given in the press, on the radio, and elsewhere concerning the Department of the Interior, and they are accepted as true by some Members, and then they fight from that position and they argue from that point. Harold L. Ickes does not need to be defended. His public career has been a just and righteous one and speaks far more eloquently than the words of any man.

Now, coming to the amendment in question, I am sure that those on the left side of the aisle just as well as those on the right side, do not believe for a moment that this Government, in a period even when we would practice economy to the extreme, can function without an active, energetic, wide-awake Interior Department. Now, if you believe that, you certainly cannot support this amendment. If you want to destroy that Department or so weaken it as to make it useless, then this is the type of amendment that will do just that.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield.

Mr. O'CONNOR. I want to approve 100 percent what the gentleman has said about Secretary Ickes. I lived in the West since 1904. I know that Secretary Ickes is the best friend of the western country that has ever occupied the position of Secretary of the Interior.

Mr. LEAVY. I know he is the type of man who fights to the last ditch a course of conduct that has been exposed in the last 48 hours with reference to the Standard Oil Co. of New Jersey and their dealings with the German dye works. He has had that same battle and fought it for us in connection with aluminum and magnesium where they had a similar arrangement in reference to those metals with the same German dye works. His heroic battle for the people against special privilege in the electric power field is common knowledge.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield for a question.

Mr. JONES. Is not the head Oil Coordinator under Mr. Ickes one of the officials of the Standard Oil Co. of California?

Mr. LEAVY. That may be. I do not say—neither does the gentleman from Ohio—that everybody who is an official of the Standard Oil Co. is necessarily dishonest or crooked or a traitor to the cause of this country at this critical time, any more than I would say that they were in other monopolistic activities. I do say no one can, in good conscience, defend the makers of material, or producers of it, who will barter away the rights of the Nation to its enemies, as recent revelations have disclosed as to octane gas, rubber, aluminum, and magnesium.

This amendment ought to be voted down.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 7 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TABER. Mr. Chairman, I wonder who there is in this Hall who thinks that it is a necessity to send out propaganda picture books to maintain the De-

partment of the Interior? When you get down to that point you are down to the point where you recognize and admit that there is no merit in much of its operations.

I have here one picture book of 300 pages. Another picture book that comes out every month, of about 20 pages. That is just a minor factor in the propaganda that is put out by the Department of the Interior. Are we ever going to get to the point where we are honest with the people back home and are ready to cut out the foolish expenditure of the people's money?

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CURTIS. Is it not true also that the Government Printing Office is overtaxed now with matters pertaining to defense and the necessary functions of Government?

Mr. TABER. To the extent that the Government Printing Office is sending out questionnaires to every private printer all over the country, peddling orders all over. That means it is absolutely ridiculous at this time for us to be spending two and a half million dollars on propaganda in the Department of the Interior.

Now, do not vote on this because somebody wants you to. Vote on it because you want to do the right thing by the people back home. I have heard people on the floor state that we must cut out these nondefense expenditures. This is worse than nondefense. It is absolutely nonsensical and ridiculous and it is absolutely a breach of faith with our people for us to sit here and consent that two and a half million dollars of the people's money be spent on propaganda and printing and all kinds of foolish literature that is not necessary to maintain the problems of the Government.

I hope that this amendment will be adopted by a unanimous vote. It is an amendment that the committee ought to accept instead of talking against.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is no news to this House that the gentleman from New York [Mr. TABER] has no particular love for the Secretary of the Interior. He has demonstrated that on many previous occasions. These pamphlets that he talks so vociferously about, or similar ones, have been held up here many times in the past. We had a thousand-dollar speech a while ago on a $195 pamphlet. The gentleman from New York and others will continue to talk about pamphlets until they can rake up some other excuse to snipe at this bill. No one knows better than the gentleman from New York just how far reaching the pending amendment is.

For example, the first item mentioned in that amendment would prohibit the printing of any kind of publications not actually and specifically authorized. That, of course, is an absurdity on the face of it. What he really wants to do is to destroy the office of the Secretary of the Interior. This committee reduced the appropriation for printing in the Department $62,000. We did not just talk to the galleries or for home consumption. We did business.

Now, they talk about radio, as if the Department were buying a lot of radio time. Surely the gentlemen know better. The Department, of course, is not buying radio time. It is not necessary to do so. Their programs are so fine, so patriotic, so educational, and constructive that many of the large radio stations have requested the Department of the Interior for some of their programs. That means, of course, that the public likes and demands more of such programs. Not a dollar is in this bill for the Interior Department for radio time, yet you would think from some of these statements that most of this money went for radio time. And so it is quite obvious that about 99 percent of the opposition to this bill is directed actually against an honest, fearless, and capable Government official, the Secretary of the Interior.

Again I call your attention to the fact that not one of the gentlemen who have criticized the Secretary of the Interior have commended him for voluntarily cutting his own budget $10,000,000 below the original Budget estimate. That is a record on which I challenge my Republican friends, a great many of whom evidently get up an hour early every morning to hate President Roosevelt and his great far-sighted Secretary of Interior. I challenge them to go back to any Republican administration of misrule since the memory of man runneth not to the contrary and point out one example of a Republican official, high or low, who ever asked to have his own budget cut $1. Call the roll; there are no black satchels or Teapot Domes in our political closets.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired; all time has expired.

The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 49, noes 76.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. Appropriations under the Department of the Interior available for travel shall be available for expenses of the transfer of household goods and effects as provided by the act of October 10, 1940 (5 U. S. C. 73c–1), and regulations promulgated thereunder.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to call the attention of the chairman of the subcommittee to certain matters and ask for clarification of them in order that I might know before final passage of this bill whether these figures are correct. As I understand the total request of this Department of the Budget was for $349,756,568, as shown by the hearings on page 40. How much did the Budget finally allow? What was the total Budget estimate for this agency?

Mr. JOHNSON of Oklahoma. The total Budget estimate, I may say to my good friend from Wisconsin, was $180,317,266, as shown on page 47 of the report.

Mr. KEEFE. Do I understand that the Secretary of the Interior voluntarily cut his request by $10,000,000?

Mr. JOHNSON of Oklahoma. The gentleman is correct; he voluntarily cut his Department's estimate $10,000,000.

Mr. KEEFE. So that when the matter came before the gentleman's subcommittee for consideration it was how much?

Mr. JOHNSON of Oklahoma. I misunderstood the gentleman. The original Budget estimate as submitted to the Secretary of the Interior by the Budget Bureau was about $10,000,000 in excess of the present estimate—it would have been $190,317,266 without the reduction recommended by the Secretary.

Mr. KEEFE. Yes; and how much has the committee cut it in all?

Mr. JOHNSON of Oklahoma. The committee brought the bill back here at $162,634,845; and there have been some considerable cuts which will make it something above $18,000,000 less than the Budget estimate.

Mr. KEEFE. Can the gentleman give me a figure showing the total cut on this bill below the Budget estimate?

Mr. JOHNSON of Oklahoma. The total committee cut is $17,682,421 below the Budget estimate and that, of course, was after the Secretary had taken his voluntary ten-million-odd cut the day after Pearl Harbor.

Mr. KEEFE. Mr. Chairman, I call the gentleman's attention and also that of the Members that we have spent a number of days here, as we frequently do on appropriation bills, worrying about items, arguing and debating, trying to achieve some reductions in governmental expenditures. The committees always try to come in to show they have reduced the bill below the Budget estimate. This is a very laudable ambition. Let me call your attention to a fact, which you will find true in reference to almost every appropriation bill that comes before this Congress. I know it is true of those bills that are reported by the subcommittees of which I have the honor to be a member. I know it is true in this case as shown on page 34 of the hearings. This agency, in the current fiscal year, has received funds transferred to it from emergency funds heretofore given the President, totaling $19,677,035. It received funds transferred from other agencies to this Department of about $2,500,000 more.

Do not worry too much about these little cuts you are making. Do not think you are going to cripple this agency because you cut $50,000 from some wildlife project, or some travel item or printing bill. You have made available in other appropriations millions upon millions of dollars of funds subject to the direction and control of the President. These agencies make a practice, when they have been cut by the Congress, and after we have fought for days and days trying to effect savings of going up to the Budget or to the President and requesting funds out of these so-called emergency funds. I dare say that if this agency is not different than the others, you will find there are deficit items for this agency already before the deficiency subcommittee. I find that in those appropriations being requested for the next

fiscal year for the labor and social-security agencies that they already tell us they have deficiency items before the deficiency subcommittee. To illustrate the point I am making I call attention to one agency for which the House appropriated $1,080,000 last year, but which is actually spending $1,980,000. Where did they get the money? Did the Congress pass upon that $900,000 of additional money? Did the Appropriations Committee pass on that additional $900,000 or the necessity for the additional personnel? No, we did not. They received those funds from "emergency funds." Let us not mislead ourselves. We are trying to save a few million dollars, and every effort should be made to continue the fight for economy However, I want you to know, that under the despicable system of blank-check appropriations, a subservient Congress has so often resorted to, you open the way for the Executive to replace in the departmental funds every dollar we cut off. You know this practice is going on all of the time. If you want real, effective economy take back the power of Congress to control appropriations and put an end to the policy of blank-check appropriations.

[Here the gavel fell.]

Mr. FOLGER. Mr. Chairman, I move to strike out the last two words and I ask unanimous consent that I may proceed for 5 additional minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr FOLGER]?

There was no objection.

Mr. FOLGER. Mr. Chairman, this is a recital, and I trust you will not be critical of the language I may use. I will promise you only one thing. If I begin to get sick, I will not say I am feeling "badly" unless the trouble develops in the ends of my fingers.

Some nights ago I was listening to the radio and heard one of the commentators say that it was being circulated around New York, and maybe somewhere else, that our Republican friends were letting it ooze around that they expected in 1944 to nominate General MacArthur for President of the United States. The thing disturbed me right smart.

The next morning when I came down the street I ran into one near the Capitol here whom I knew, and I was complaining somewhat about it. I said to him, "Since when did we understand that General MacArthur is a Republican? Why would he be born in Arkansas if he was ever going to be a Republican?" Now, there is Kansas and Vermont, maybe another State, but I cannot think of the name of it right now. "Oh," said my friend, "do not be disturbed about that. They are not going to try to take your man away from you."

"Well," I said, "let me remind you of a few things, my friend. Do you not remember when Woodrow Wilson went out and found Mr. Hoover, brought him into Washington, bought him a brand-new linen or duck suit, put it on him, combed his hair nice, bought him a beautiful sailor hat, and we thought he was ours and continued to think so until 1928? Then we looked around for him, and, bless your soul, our Republican friends had gotten him and gone away with him—suit, hat, and all."

"There was nothing we could do about it. So they kept him through 1932," I told my friend, "and we did not raise any row about that. We did not even ask them to give us the hat back."

Then it came along to 1936 and in that year they behaved nice. They went over to Kansas and got their own candidate and nominated him. I was listening to the radio and heard the annoucement and I thought, "Well, they are going to behave nice now; they have decided that a man cannot very well ride a horse sitting on him backward, nor operate an automobile to much advantage in reverse all the time, and we will not be bothered any more."

But I reminded my friend that I still had some grounds for my fears, because in 1940, lo and behold, they run over on our side and snatched Mr. Willkie before we could say a word about it.

My friend said, "You do not understand very well. You are not a man of much foresight. Do you know they are not going to nominate General MacArthur in 1944? That report is 1942 congressional campaign strategy they are putting on now."

I said that I had not thought of that, and asked him, "Are you a suspicious man or a prophet? I know one thing, you are like a great many women and a whole lot of men I know, you will have the last word; so, just go on and have it your way. I am gone."

And, too, I was reminded that General MacArthur has been in military life since he was 18 years old to date.

And as I went away, he was mumbling something. I looked back and listened to him, but I could not hear exactly what he was saying. It might have been something about Willkie.

Mr. SMITH of Ohio. Mr. Chairman, I move to strike out the last three words.

Mr. SMITH of Ohio. Mr. Chairman, according to the report of the committee there is a saving made in this appropriation of $17,600,000 over the 1943 Budget estimate. Of course, any one who knows the inner workings of the bureaucrats knows that figures such as we see here are of little or no value, so far as getting at the facts is concerned.

There is also shown here a reduction of roundly $75,400,000 under the 1942 Budget estimate.

The 1942 Budget estimate was something like $188,300,000. That was the original 1942 Budget estimate.

It will be noted in the report that the estimate is stated as being $238,101,280. Since the original Budget estimate there have been something like five or six supplemental appropriations. There is pending now another supplemental appropriation bill for the 1942 Budget. Therefore, the savings as shown in this report have absolutely no significance whatsoever.

The pro forma amendments were withdrawn.

The Clerk read as follows:

SEC. 8. No part of any money appropriated by this act shall be used for the purchase or exchange of any motor-propelled passenger-carrying vehicle if such purchase or exchange interferes with the priorities or quotas for military and naval purposes as determined, respectively, by the Secretary of War and the Secretary of the Navy.

Mr. JONES. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 141, after line 3, insert a new section, as follows:

"Notwithstanding any other provisions carried in this bill for printing and binding the total amount to be expended for printing, binding, duplicating, mimeographing lithographing, or reproduction in any other form or by any other device, and including the purchase of reprints of scientific and technical articles published in periodicals and journals shall not exceed for every such purpose included in this bill the sum of $450,000, and that the amounts estimated therefor and not expended within this limitation shall be recovered into the Treasury of the United States."

Mr. JOHNSON of Oklahoma. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill.

The CHAIRMAN. Will the gentleman from Oklahoma kindly invite the attention of the Chair to the legislation included in the amendment?

Mr. JOHNSON of Oklahoma. I am not sure I heard the exact wording of the amendment, but as I heard it, it stated "notwithstanding any other provisions carried in this bill," which would clearly indicate that it proposes to change the law.

The CHAIRMAN. The Chair is prepared to rule.

The Chair has examined the amendment offered by the gentleman from Ohio. Although, as indicated by the gentleman from Oklahoma, it does provide, "notwithstanding any other provisions carried in this bill," it relates to appropriations in the pending bill. The Chair is of the opinion that it is a limitation and is in order. Therefore, the point of order is overruled.

Mr. JONES. Mr. Chairman, the printing and binding item is not all that is spent by the Department of the Interior for printing. I have a report that the amount of the investment in printing equipment in the Department of the Interior is as follows: Total replacement value of printing and duplicating equipment owned by the reporting unit—the Department of the Interior—$836,213.45.

It seems to me there is a fundamental principle involved here. We should not go through the sham of voting an amount for printing and binding and then, without its being read as a separate item, know full well an expenditure of $503,000 for this multigraphing and duplicating plant is hidden in this bill. If my colleagues on the subcommittee will look at page 47 of the committee print they will find a report of these duplicating expenses.

I hope the committee will adopt my amendment in the interest of honesty of government, because this expenditure will not help any soldier or sailor on any of the fronts throughout the world to protect himself. If we adopt this amend-

ment we shall be in much better shape to say, at least by the limitations expressed in here as to amounts, that we have saved that much manpower to protect the sons of the friends and neighbors we go back to face in our districts, and have done that much toward the winning of the war.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I do not care to discuss this further than to say that this Committee has voted on this same thing or a very similar item three or four times within the past couple of days. As I stated on the floor of the House yesterday, our friends across the aisle played a major role on this particular item of printing and binding. They practically wrote their ticket. Now, it seems they are dissatisfied with their own work and record. It will be recalled that I had to come to their rescue yesterday when they were wanting to disown and turn down their own handiwork. Again I beg Members on this side of the aisle to cross their fingers and give the O. K. to the fine work done by the gentleman from Pennsylvania and our other colleagues over there in reducing to a minimum this important item for printing and binding.

Mr. Chairman, we have about finished this bill. Why the unnecessary delay? Why stall and play to the galleries? They are about empty now anyway. It has been a long, tedious battle. I have no complaints. Our lines have held except on two or three items. I feel that we have done a pretty good job. Of course, the Senate will review every item, and I am sure will make material changes. Let us finish the job and go home for the day.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. JONES].

The amendment was rejected.

Mr. SMITH of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Ohio: On page 141, line 3, insert a new section, to read as follows:

"SEC. 8.-(a) Not more than 50 per centum of the appropriations herein made for nondefense purposes shall be expended."

Mr. SMITH of Ohio. Mr. Chairman, if I understand the temper of our people correctly, there is in this hour of intensifying peril an ominously growing concern among them over the failure of Congress to resist the selfish demands of the bureaucracy and other pressure groups and to put a stop to unconscionable, nonessential, nondefense expenditures.

This attitude of mind is not altogether a reaction of the war. It had been welling up for a long time before that. Naturally and justifiably the war has intensified this feeling. It appears the public is now becoming agitated over this matter to the point of demanding that we take effective action.

Indeed, we are blind if we cannot see this. Here we are in Congress asking every conceivable sacrifice of the public in order that we may win the war. Yet we fail utterly to stop the bureaucracy in its orgy of grabbing and spending—in its consumption and dissipation of resources sorely needed to stop the enemy.

Under these circumstances the people have a perfect right to complain that we are dilatory in our duty. We should not be surprised if their resentment against our continuing these huge appropriations for nonessential, nondefense expenditures should break out into angry demand that we stop them.

The bill before us calls for an appropriation to the Department of the Interior of roundly $162,600,000 for 1943. The report shows this to be a reduction of approximately $17,600,000 from the Budget estimates of 1943. This, of course, can mean nothing to anyone who understands the inner workings of the bureaucracy in setting up these estimates.

The report on this bill also shows a reduction of roundly $75,400,000 from the appropriations for 1942 which can be misleading. The report shows the appropriation for 1942 to have been roundly $238,100,000. The regular appropriation for the Interior Department for 1942 was about $188,300,000. Something like six supplemental appropriations were made to this Department, bringing the figure up to $238,100,000. Another supplemental appropriation for 1942, the amount of which I do not know, is now pending. From this it will be seen that the $75,400,000 savings claimed in the report over the 1942 appropriations also has no meaning.

For the fourth day now I have been on this floor almost every minute listening attentively to the debates on this appropriation measure. A sincere effort has been made by certain members of the subcommittee to reduce nonessential, nondefense items with practically no success. A very few and almost insignificant piddling reductions have been made. We have seen practiced in the consideration of this bill the technique that is the normal mode of those who consistently resist reductions of all nonessential, nondefense appropriations. Formerly those people justified every appropriation in the name of recovery. Now they do so in the name of defense. In my opinion there is more boondoggling going on under the cloak of defense than there was under that of recovery.

Under the war conditions it is not enough to justify any appropriation merely on the basis that it is to be expended on a worthy project. The cardinal question in every proposed expenditure for carrying on normal nondefense activities is whether in wartime those activities can be dispensed with and the funds used more appropriately for war purposes. This one big question I am asking in respect to the appropriation before us, and I think every Congressman should do likewise. It is the real problem before us.

This bill, as stated, calls for an appropriation of, roundly, $162,600,000. The gentleman from Washington [Mr. LEAVY], a member of the subcommittee, and I believe reputedly as well informed as any Member of Congress on this appropriation measure, stated, in answer to a question asked by myself, that in the neighborhood of $70,000,000 of this appropriation will be required for power and defense measures. That would leave approximately $92,600,000 for nondefense purposes. In the light of past Interior Department expenditures, plus the urgent prior needs for funds to carry on the war, I am convinced of the necessity of making a huge reduction in the nondefense portion of this appropriation.

In 1931, before the orgy of spending began, the cost of operation of the Interior Department was, roundly, $66,100,000. That was for all purposes. It should be realized that the $70,000,000 which the gentleman from Washington [Mr. LEAVY] stated should be considered as needed for power development will not all be expended for this one purpose. Much of it will go for improving and expanding irrigation and other nondefense projects. So that the $70,000,000 will be used in a large measure for the same purposes as the $66,100,000 was used in 1931.

Possibly Mr. LEAVY'S estimate of the amount required for power development is too low, but that is not likely. But whatever may be the required amount in this appropriation for the development of power and other defense measures, it is my judgment the remainder of the appropriation which is to go for nondefense expenditures could be and should be reduced 50 percent. If this were done on the basis of $70,000,000 being required for power development, it would mean a saving for war purposes of more than $46,000,000. I am sure the amount of this reduction is needed more urgently for war production than it is for the purposes specified in the bill, however worthy they may be.

Then it should not be overlooked that most of the funds appropriated for nondefense expenditures are borrowed.

Drastic, shocking, I can hear many of you say, to propose such a reduction as my amendment calls for.

But is it any more drastic than depriving farmers, workingmen, and others of their automobiles; destroying small businesses by the tens of thousands; rationing of sugar, gas, and so forth, which is being extended to include more and more of the necessities; rationing even of razor blades—one a week per beard—so that the male of the genus homo in this land may soon also be looking like a Bolshevik?

Oh, yes; let the people bear all these burdens and sacrifices, but touch not anything that pertains to the bureaucracy. It must have its pound of flesh, war or no war.

Mr. Chairman, the people of this country are losing patience with Congress because they are not sure that it knows we are in war. They know we are at war and the reports they are receiving on its progress makes them fear it is at

present going against us, and I submit to you that it is time, and high time, for this Congress to take hold of this situation and let the people of this country know that we, too, are aware that our country is at war.

My amendment is proper and should be adopted. The people want nonessential, nondefense appropriations drastically reduced and I am sure they would approve of it.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 2 minutes.

Mr. SMITH of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Ohio. I have two more amendments. Would this close debate on those amendments?

The CHAIRMAN. Is the Chair to understand that they would be offered as new sections?

Mr. SMITH of Ohio. That is right.

The CHAIRMAN. The Chair does not think the limitation would apply to them.

Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Chairman, it is obvious that the gentleman is not too serious in offering an amendment of this kind and I shall not take the time to answer the gentleman. A day or two ago the same distinguished gentleman took several minutes to try to convince the House that the Budget estimate was only $71,000,000. We finally, after much effort, convinced him, I think, he was in error then.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Sorry but I only have 2 minutes.

I made the statement in my opening remarks that the Interior Department is now engaged in by far the greatest war program of any other department of Government save the Army and the Navy. A few moments ago the able gentleman from Wisconsin [Mr. KEEFE] referred to some of the so-called nondefense activities in this bill and gave a figure of $19,000,000. On page 34 of the hearings you will find what that $19,000,000 actually is or represents.

No. 1 is the emergency fund for the President, every bit of which is for national defense.

Then No. 2 is the Office of Petroleum Coordinator, every dollar of which is for defense. Then there is Office of Solid Fuels Coordination, every dollar for defense; Geological Survey, practically every dollar for defense. The Bureau of Mines has also now virtually become a war set-up. Way down toward the bottom of the list appears the appropriation for the High Commissioner of the Philippine Islands. This might not be called actual national defense, but surely the Members would not want to eliminate that item at this time. I am sure my friend would not want to let the people of the Philippine Islands down right now. So it will be seen how utterly impractical such an amendment would be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 5, noes 82.

So the amendment was rejected.

Mr. SMITH of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Ohio: On page 141, line 3, insert a new section to read as follows:

"SEC. 8–A. Not more than 75 percent of the appropriations herein made for nondefense purposes shall be expended."

Mr. SMITH of Ohio. Mr. Chairman, my first amendment was voted down. That amendment would have effected a saving of more than $46,000,000. If it had passed there would have been that much more money to buy bombers and tanks and guns for MacArthur and his gallant fighters. There would have been that much less for the bureaucracy to waste and spend.

If that amendment had passed the people of this country would have been encouraged to believe that Congress has at last awakened to a realization that its responsibility in this crisis is something more and different than voting huge appropriations and catering to selfish pressure groups.

My second amendment would effect a saving of only about $23,000,000. Should it pass the hopes of the people might be raised a little. For their sake and our own I hope it passes.

I want to answer the gentleman from Oklahoma who made the statement that I said the original estimate of the 1943 Budget was only $71,000,000. If the gentleman will read the record he will see that the gentleman from Ohio merely asked to have some figures reconciled. I did not make any such statement as he has attributed to me.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. No; I cannot yield just now.

The gentleman from Oklahoma said he would not dignify my amendment by opposing it. I am not concerned whether he dignifies my amendment or not. I am now concerned only with what I believe the public wants done about the spending of so much money for nondefense purposes.

The gentleman from Oklahoma also said he was surprised that any Member should propose closing the national parks. Such a proposal should not be so surprising in view of the present rubber situation.

Mr. Chairman, there is talk of passing a law to limit the speed of automobiles to 40 miles an hour to save tires. When the tires now on the automobiles are worn out, there may be no more automobiles running. Certainly until we can see more daylight in the rubber situation than we see at present there will not be many automobiles running after they have worn out their present tires. I am not sure but that the proper thing to do would be to close those parks for the duration. If we want to save rubber here is an opportunity to do so. Therefore, it is not a joking matter when we consider it from this standpoint.

I know there is a lot of ridicule and derision of the attempts of the gentleman from Pennsylvania [Mr. RICH] to bring about some economy here in these expenditures, but I say to you that people will be reading that man's economy record long after the record of the men who are deriding him has been forgotten. Vote for my amendment and give the people some hope.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 14, noes 78.

So the amendment was rejected.

Mr. SMITH of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Ohio: Page 141, after line 3, insert a new section to read as follows:

"SEC. 8 a. Not more than 90 percent of the appropriations herein made for nondefense purposes shall be expended."

Mr. TABER. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. SMITH of Ohio. Yes.

Mr. TABER. This amendment is a very modest one. It cuts only 10 percent of the bill?

Mr. SMITH of Ohio. Not the bill, only the nondefense expenditure.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield to me for a unanimous-consent request?

Mr. SMITH of Ohio. Certainly.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this bill close in 8 minutes.

The CHAIRMAN. How is the time to be allotted?

Mr. JOHNSON of Oklahoma. Five minutes to the gentleman from Ohio, and 3 minutes to the gentleman from Massachusetts [Mr. MARTIN].

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma that debate upon the bill close in 8 minutes?

There was no objection.

Mr. SMITH of Ohio. Mr. Chairman, my other two amendments having failed, I am offering a third. This one calls for a reduction of nondefense appropriations of only 10 percent, amounting to the piddling sum of $9,000,000. I am fully aware that nothing short of a miracle can bring its passage, for I fear it will take a miracle to break the strong addiction to spending that afflicts this body. It seems that neither a public debt that promises to reach as high as any ever did, nor taxes that promise to be as burdensome as any ever laid on the backs of men not outright slaves, nor even the sound of tramp, tramp, tramp of our mortal enemy approaching our threshold can awaken this Congress to a realization of our responsibility in this crucial hour.

The chairman of the subcommittee stated he could not believe I am sincere in offering these amendments. Let me

assure him, if that be possible, that I am sincere.

I think the time is near at hand when the American people are going to effectively demand that we put an end to the spree of nondefense spending, that we check the greed of the bureaucrats, that we stop catering to pressure groups, that we quit our shilly-shallying, and get down to the hard business of winning this war.

I cannot believe this Congress fully realizes the gravity of our present situation, or we would not be piddling and fiddling as we are.

Nor can I blame the public for having the feeling toward Congress it has.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 37, noes 86.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts for 3 minutes.

Mr. MARTIN of Massachusetts. Mr. Chairman, I desire to take advantage of this time to make inquiry from the majority leader. I understand he could tell us now the legislative program we may expect for the next few days.

Mr. McCORMACK. Of course, tomorrow we will consider the deficiency appropriation bill. After that there is nothing on the program for the next week and I know of nothing for the week after that. The only thing that might occur, but there is nothing on the program, is, in case it is ready, the conference report in connection with the civil functions of the War Department, but I assume that that will be disposed of without necessity of coming back here. Also the conference report on the housing law in connection with the District of Columbia, which went to conference today, provided that could be taken up without controversy. But there is nothing on the program for the next 2 weeks.

Mr. MARTIN of Massachusetts. There has been a great deal of interest in the Smith-Vinson bill. When will it be ready for consideration?

Mr. McCORMACK. The chairman of the committee, the gentleman from Georgia [Mr. VINSON], stated on the floor today that a large number of requests have been made by witnesses to appear and that a bill could not be reported out before April 13 if a bill were reported out.

Mr. MARTIN of Massachusetts. Then any Member who went home during this period when there will be no legislative program ready would not be neglecting his duty as far as that bill is concerned? He could not help any in getting it up.

Mr. McCORMACK. Absolutely not.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. LUTHER A. JOHNSON. I am very much opposed to any recess until some action is taken by the House on the suspension of the 40-hour law, the limitation of profits by war contractors, and other features of the Smith-Vinson bill.

Mr. MARTIN of Massachusetts. I understand this is not a recess.

Mr. LUTHER A. JOHNSON. Well, it is a moratorium on action.

Mr. McCORMACK. No; I would not say that. It is simply that the House has caught up with all of its legislation. Certainly at Easter time we take some recess out of respect to the holy days.

Mr. LUTHER A. JOHNSON. I am one of those who wants the House to act at the very earliest possible moment upon the Smith-Vinson bill. I think it is imperative that we pass now legislation to speed up production in war industries and curtail enormous profits by some of these contractors. Of course, I realize that the House cannot consider that bill until the committee reports a bill. Do I understand that the chairman of the Naval Affairs Committee, Mr. VINSON, which committee is considering the bill, has unequivocally stated that a bill cannot be reported to the House before April 13?

Mr. McCORMACK. Exactly. That is the earliest date, if the committee reports a bill.

Mr. LUTHER A. JOHNSON. I have talked to the gentleman from Georgia [Mr. VINSON] and urged the earliest possible action, and I believe the people have a right to expect Congress to act without any delay, and the safety of America demands it.

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. DITTER. I wonder whether the gentleman from Texas, who has just expressed his concern about a possible recess, was prompted by reading the advertisements and literature that came to the desk of most of us within the last day or so?

Mr. MAHON. Will the gentleman yield to me?

Mr. MARTIN of Massachusetts. I yield.

Mr. MAHON. I want to emphasize and concur in the statements of the gentleman from Texas [Mr. LUTHER A. JOHNSON]. The people are aroused and rightly so, and the importance of early action suspending the 40-hour week and preventing excess profits cannot be exaggerated. There is positively on doubt in the mind of any informed person that the overwhelming majority of the people, especially the people of the South, want immediate action on this 40-hour week and excess-profits matter. For many days I have been appealing for action without a delay and without a recess. Is there anything that we can now do to speed up action on that matter prior to the 13th of April?

Mr. MARTIN of Massachusetts. Of course, I would have to refer that to your own leadership.

Mr. MAHON. I would like the gentleman from Massachusetts [Mr. McCORMACK] to answer that.

Mr. McCORMACK. No; there is nothing at all until the bill comes out of committee. There is no bill out of committee yet.

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and Mr. McCORMACK having assumed the chair as Speaker pro tempore, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill (H. R. 6845) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1943, and for other purposes, and directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore (Mr. McCORMACK). Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. JOHNSON of Oklahoma, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the Clerk may be permitted to correct totals.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill may have 5 legislative days within which to extend their own remarks on the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REPATRIATION OF AMERICANS ENLISTED IN SERVICE OF UNITED STATES ALLIED FORCES

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speakers table the bill [S. 2339] to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through service with the allied forces of the United States during the first or second World War, and ask for its immediate consideration.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. LESINSKI. This bill, S. 2339, just passed by the other body, is a bill to permit approximately 20,000 American soldiers serving in the Army of Great Britain or her allies, who thereby gave up their American citizenship, to reclaim their American citizenship and join American forces now abroad.

We want to bring these men back. We can only bring them back by congressional action on a bill restoring their citizenship to them.

Mr. MARTIN of Massachusetts. Why bring them back when we are sending troops overseas?

Mr. MASON. Mr. Speaker, will the gentleman yield for me to answer the question?

Mr. LESINSKI. I yield.

Mr. MASON. The intent is not to bring them back to this country but simply to repatriate these former American citizens who expatriated themselves by joining the armed forces of foreign nations, mostly Canadian and English. They are to be allowed to recover their American citizenship by taking the oath of allegiance before the proper consular officer and joining the American forces immediately available. It is just a question of letting them fight under our own flag rather than under the flag of some allied nation.

Mr. MARTIN of Massachusetts. Then it does not mean necessarily bringing them back to this country?

Mr. MASON. It does not.

Mr. MARTIN of Massachusetts. Mr. Speaker, I think this is extremely good legislation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 323 of the act of October 14, 1940 (54 Stat. 1149), entitled "An act to revise and codify the nationality laws of the United States into a comprehensive nationality code," is hereby amended to read as follow:

"SEC. 323. A person who, while a citizen of the United States and during the first or second World War, entered the military or naval service of any country at war with a country with which the United States was or is at war, who has lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, or by reason of entering or serving in such armed forces, and who intends to reside permanently in the United States, may be naturalized by taking before any naturalization court specified in subsection (a) of section 301, the oaths prescribed by section 335. Any such person who has lost citizenship of the United States during the second World War may, if he so desires, be naturalized by taking, before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 335. For the purposes of this section, the second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Certified copies of such oath shall be sent by such diplomatic or consular officer or such court to the Department of State and to the Department of Justice."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 6717) were laid on the table.

CONTINUANCE OF 40-HOUR WEEK

Mr. FOGARTY. Mr. Speaker, the letter I am about to read I received this morning from a soldier in the South, in camp there. He says:

Last night, after listening to a broadcast by Elmer Davis over the CBS network, I realized that we in the Army, and everyone in the South particularly, were being subjected to a merciless bombardment from every source against the continuance of the 40-hour week.

It started me thinking, too, and the reason for this letter is just a word of encouragement, since many in the Army resent being dragged into the arguments of those who would discontinue labor's opportunity to share equally in the results of the present expansion, and this expansion has been made possible through governmental expenditures.

It is a hell of a note to think that a great deal of their argument is based on patriotism since real patriotism should also consist in preserving a worker's advantages, though he may be in the Army. For victory will bring demobilization, and it would be an empty victory indeed if it meant a return to a civil life where there were only jobs with long hours and low pay.

I have received other letters—equally as expressive, and equally indignant—that the men in the Army are made to appear to have their brothers who are at the machines, supplying them with the tools of war.

These men who are now on the battlefields and in the camps, preparing for the day when they take their places before the enemy, all realize that they must return to civil life when this war shall have finished. They want to come back to the America they knew, not to a land of serfdom and overlords. They are depending on those who remain behind to keep faith with them. They want the progressive social legislation kept on our statute books. They had it put there in their demands for a square deal. They have received that square deal, and they are now fighting and dying to preserve that square deal. They do not want it wiped out while their backs are turned to home and their faces are turned toward the would-be destroyers of their homes.

They realize also, just as every sane person realizes, that these constant attacks are attacks on the men who are working for them, working to give them the most of the best equipment that can be produced, and give it to them in less time than the enemy can provide for its armies. They know that men who toil at the machines cannot be inspired by ridicule or the use of the bull whip. Those men at the machines have to realize that they are fighting for their America—for something worth while. They cannot feel that when they are being told hourly that the country is determined to wipe out everything they have—every last vestige of social progress that has made their lives decent and respectable.

These men on the construction jobs—in the factories and in the shops—realize far more than we who stand here and preach, what this war is all about. At Wake Island these same men took up guns and hammers and anything else available the moment the emergency confronted them. They did not wait for authorizations, or reassignments, or appropriations. They did the job that had to be done. Many of them died. Many of them now languish in prison camps. Is their reward and congratulation to consist of this frenzied endeavor to cripple their futures by divesting them of the right to be acknowledged equals in the industrial life of the country to which they hope to return?

Men in and out of Congress rant and shout for the abolition of the 40-hour week, because it hampers production, yet every single one of them knows that it does not slow down production; that it is merely a standard, and that, in fact, almost without exception, war industries are working more than 40 hours per week—every week. The statement is heard over and over again—the people of the country want labor curtailed. Are not the men in the factories the people of the country? Are there a chosen few who are to be considered the people of the country? Then who are we who do the heavy work? Are not our conditions worthy of consideration? Those who perpetuate this clamor are doing no good. They are discouraging the efforts of the men at the tools, and they are serving the purpose of our enemies by stirring up class prejudice upon which they thrive, and which will some day return to haunt them. Keep it up and you may have the momentary feeling of victory, if your plans succeed, but you will later have these same men whom you now would cast down returning to mock you. They will tell you that their sons and their brothers fought in the trenches—that they did their jobs without all the clamor, and you will have nothing but the ashes of the great fire of enthusiasm that followed Pearl Harbor to guide you back to the days of oppression and sweatshops that some apparently pine for.

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the St. Lawrence seaway project, and to include therein a newspaper and also excerpts from a letter written by Mr. Donald Nelson of the War Production Board.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JONES. I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole this afternoon and to include therein certain schedules.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CANCELATION OF SPECIAL ORDERS

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to withdraw the special order I had to address the House this afternoon.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FOLGER. Mr. Speaker, I ask unanimous consent to withdraw the special order I had to address the House this afternoon.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

(Mr. FOLGER, Mr. JONKMAN, and Mr. SMITH of Ohio asked and were given permission to revise and extend their remarks.)

Mr. JONES. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole this afternoon and include therein certain schedules.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter I received from the Brooklyn Chamber of Commerce, and my reply thereto.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MARCANTONIO. I also ask unanimous consent, Mr. Speaker, to extend my own remarks in the RECORD and to include therein a portion of an editorial from the news service of the American Federation of Labor.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the New Orleans Item.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from PM by its editor, Mr. Ingersoll.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech broadcast by Elmer Davis.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WASIELEWSKI. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Milwaukee Journal.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from the Tulsa (Okla.) World.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. DISNEY]?

There was no objection.

Mr. PETERSON of Georgia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. PETERSON]?

There was no objection.

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial appearing in the Memphis Press-Scimitar, of Memphis, Tenn., entitled "The Ides of March—Not Gone."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas [Mr. GATHINGS]?

There was no objection.

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter which I have written.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. COLMER]?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter received from a member of Parliament of Canada.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa [Mr. HARRINGTON]?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ELLIOTT of California, for 2 weeks, on account of official business.

To Mr. STARNES of Alabama, for 2 days, on account of official business.

To Mr. PACE, for 1 day, on account of illness.

ENROLLED BILL SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 6691. An act to increase the debt limit of the United States, to further amend the Second Liberty Bond Act, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 6691. An act to increase the debt limit of the United States, to further amend the Second Liberty Bond Act, and for other purposes.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p. m.) the House adjourned until tomorrow, Saturday, March 28, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 14, 1942. Business to be considered: Hearings along the line of the Sanders bill, H. R. 5497, and other matters connected with the Federal Communications Commission.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1536. A letter from the Archivist of the United States transmitting a list of papers for disposal by him of certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

1537. A letter from the Secretary of the Navy transmitting a draft of a proposed bill to change the designation of the Bureau of Navigation of the Department of the Navy to the Bureau of Navy Personnel; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANNON of Missouri: Committee on Appropriations. House Report No. 1956. Sixth supplemental report to accompany H. R. 6868. A bill making additional appropriations for the national defense for the fiscal year ending June 30, 1942, and for other purposes. Referred to the Committee of the Whole House on the state of the Union.

of the Whole House on the state of the Union.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 1957. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 1958. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 1959. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mrs. NORTON: Committee on Labor. House Joint Resolution 291. Joint resolution to establish the National Commission for Post-War Reconstruction; without amendment (Rept. No. 1960). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McGEHEE:

H. R. 6869 A bill to provide for the decentralized settlement and payment of damage claims arising from activities of the Army, other than in foreign countries; to the Committee on Claims.

By Mr. MYERS of Pennsylvania:

H. R. 6870. A bill authorizing the appointment of special clerks; to the Committee on the Post Office and Post Roads.

By Mr. D'ALESANDRO:

H. R. 6871. A bill to amend the District of Columbia Income Tax Act, as amended, with respect to corporations; to the Committee on the District of Columbia.

By Mr. HOBBS:

H. R. 6872. A bill to amend the act entitled "An act to protect trade and commerce

against interference by violence, threats, coercion, or intimidation," approved June 18, 1934; to the Committee on the Judiciary.

By Mr. SABATH:

H. J. Res. 299. Joint resolution to aid and expedite the prosecution of the war effort by raising revenue through the sale of war-participation tickets, to be conducted under the supervision of the Secretary of the Treasury; to the Committee on Ways and Means.

By Mr. TOLAN:

H. J. Res. 300. Resolution authorizing the Commissioners of the District of Columbia to rename 20 thoroughfares for the Pan-American Republics; to the Committee on the District of Columbia.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred, as follows:

By the SPEAKER: Memorial of the Legislature of the State of Mississippi, memorializing the President and the Congress of the United States to suspend the 40-hour work-week for duration of national emergency; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ANGELL introduced a bill (H. R. 6873) for the relief of Maude Leach, which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2616. By Mr. ROLPH: Resolution of the San Francisco Kiwanis Club, adopted March 16, 1942, for the guarding and protection of facilities essential to the war effort; to the Committee on Military Affairs.

2617. By Mr. GRAHAM: Petition of 13 residents of the Twenty-sixth Congressional District of Pennsylvania and members of the Ladies' Auxiliary, No. 1044, National Association of Letter Carriers, favoring the passage of House bill 6486, to increase the salaries of certain postal employees; to the Committee on the Post Office and Post Roads.

2618. By Mr. LUTHER A. JOHNSON: Memorial of Mrs. Lena Martin, chairman of Local 3007, Corsicana, Tex., opposing Secretary Morgenthau's proposed legislation for tax on pension trust funds; to the Committee on Ways and Means.

2619. By Mr. KRAMER: Petition of the California State Board of Agriculture, Sacramento, urging the Bureau of Reclamation to undertake careful studies of economic problems arising; to the Committee on Agriculture.

2620. By Mr. MERRITT: Resolution of the Kiwanis Club of Bayside, N. Y., that the new time recently enacted to speed war production, commonly called by the sinister expression "war time," be renamed "victory time"; and if further change is made during the summer months, to call that period "victory summer time"; to the Committee on Interstate and Foreign Commerce.

2621. Also, resolution of 300 independent tire dealers of New York, New Jersey, Massachusetts, and Connecticut, that they implore relief from financial disaster under existing rubber regulations, and offer for consideration the fact that tire manufacturers, mass distributors, and petroleum outlets do not need their small share of new tire and recapping business in order to exist; conversely, the independent tire dealers of the Nation must receive all of the available new tire business and recapping tire service to continue in business; and that failure to direct the small amount of this business exclusively through the independent dealer will unquestionably result in the mortality of approximately 60,000 independent tire dealers; to the Committee on Expenditures in the Executive Departments.

2622. By the SPEAKER: Petition of the city of Youngstown, Ohio, petitioning consideration of their resolution with reference to House bill 6750; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES

SATURDAY, MARCH 28, 1942

The House met at 12 o'clock noon.

The Clerk read the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 28, 1942.

I hereby designate the Honorable JERE COOPER to act as Speaker pro tempore today.

SAM RAYBURN.

The House was called to order by the Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art high and exalted, who hast promised to dwell with those who are of humble and penitent heart, we entreat Thee that we may be drawn to Thee by love and not by fear. Grant that we may be so consecrated to Thy service in mind and disposition, that the eyes of our hearts may behold Thy purity and the wonder of Thy creative power. The heart that knows Thy love is a sacred temple and all the babble of earth's confusion of voices is soon hushed into silence.

We praise Thee for the Christ, whose indomitable love and courage constrained Him to give His life for the redemption of the world. While the storms of rage and the thunders of hate were crashing over His head, His deepest promise was given: "My peace I leave with you, not as the world giveth, give I unto you." We pray that every throng may feel Thy presence, every cot of pain, the touch of Thy hand, and every endeavor realize in common life the brotherhood of man. Send forth Thy benediction, illuminating the minds of men, quieting their fears and hatreds and bringing them back to sanity and peace, confidence and faith in Thee. Almighty God, Oh bless America and may America bless God and most humbly realize that she will never be fit to rule until she is fit to serve. Do Thou help our President and all his counselors in their world-wide responsibilities, through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Senate insists upon its amendments to the bill (H. R. 6483) entitled "An act to amend the act entitled 'An act to expedite the provision of housing in connection with national defense, and for other purposes,' approved October 14, 1940, as amended," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. PEPPER, Mr. CHAVEZ, Mr. LA FOLLETTE, and Mr. TAFT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6736) entitled "An act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes."

The message also announced that the Senate further insists on its amendment No. 2 to said bill, asks a further conference with the House on said amendment in disagreement, and appoints Mr. THOMAS of Oklahoma, Mr. HAYDEN, Mr. OVERTON, Mr. RUSSELL, Mr. BAILEY, Mr. REYNOLDS, Mr. BRIDGES, and Mr. LODGE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House, of the following titles:

H. R. 4557. An act for the relief of the estate of Mrs. Edna B. Crook; and

H. R. 5290. An act for the relief of Mrs. Eddie A. Schneider.

THE LATE RENÉ L. DEROUEN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana [Mr. PLAUCHÉ].

Mr. PLAUCHÉ. Mr. Speaker, I have the sad duty to announce the death of my personal friend and immediate predecessor, the Honorable René L. DeRouen. Mr. DeRouen died suddenly yesterday morning in the city of Baton Rouge, La.

Mr. René, as he was affectionately known by thousands of people in the Seventh Congressional District of Louisiana, served in the House of Representatives with honor and distinction for about 14 years, voluntarily retiring at the expiration of his term last year.

At the time of his retirement he was chairman of the Public Lands Committee and a ranking member of the Rivers and Harbors Committee.

His able and conscientious services to the Nation, especially as a member of these two very important committees, are universally recognized and appreciated.

Mr. DeRouen was of a quiet and undemonstrative temperament. In his quiet way he had a great influence on his country and his fellowme..

When I came to Washington as his successor, I found that all those who knew him, not only recognized his ability, sincerity, and earnestness, but were all proud to claim him as a personal friend.

Mr. DeRouen was a person of great devotion to his wife and his children. The State of Louisiana and particularly the Seventh District has lost a respected and beloved citizen, one who could ill be spared, especially in times like these.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, sometime yesterday morning in the city of Baton Rouge, La., René DeRouen passed into the Great Beyond. The end came